

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36065 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- BARH District- Patna

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Ravi Kumar Son of Ramratan Singh R/O- Vill-Bhetgaon, P.S.- Barh, Dist.- Patna, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Barh P.S.
Case No. 103 of 2022 registered for the offences under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 172.500 litres of IMFL/country made liquor from
place of occurrence.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of alleged illicit liquor was made from partly constructed house of one Hari Om Singh, which is accessible by general public and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is also submitted that the search of the premises was not made, as per provision 100 (4) of the Cr.P.C. where seizure list is not supported by independent witnesses. While concluding the argument, it has been submitted that petitioner is man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is man of clean antecedent in the backdrop of disputed seizure list coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barh P.S. Case No. 103 of 2022 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge Excise, Barh/concerned court, subject to the conditions as mentioned under Section 437 (3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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