

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36535 of 2022

Arising Out of PS. Case No.-639 Year-2020 Thana- KANTI District- Muzaffarpur

Jimedar Sah @ Amit Kumar @ Jitendra Sah Son of Muneshwar Sah R/O-
Vill- Chainpur Ward No.- 15, P.S.- Kanti, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Kanti P.S.
Case No. 639 of 2020 registered for the offence under Sections
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 01.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 77.595 litres of IMFL/country made liquor from the
house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of alleged illicit liquor has been made from the house of the petitioner which is jointly occupied by other family members and, as such, it cannot be said to be recovered from conscious physical possession of the petitioner. It is further submitted that the seizure list is not supported by independent witnesses and it appears to be in violation of Section 100 (4) of the Cr.P.C. While concluding the argument, it has been submitted that petitioner is a 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 made from the house 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 a man of clean antecedent, in the background 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 Kanti P.S. Case No. 639 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the Court
of Learned Exclusive Special Judge, Excise Court-II,
Muzaffarpur/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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