

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37107 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- GOVERNMENT OFFICIAL COMP. District- Nawada

=====

Vishal Kumar Son of Karambir Prasad Resident of Vill.- , Under Bazar Roh,
P.S- Roh Distt.- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Priyajeet Pandey
For the Opposite Party/s: Mr. Nirmala Kumari

=====

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 Excise Thana Case No. 08 of 2022 registered for the offence under Sections 30(a) and 56(2)(ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 06.04.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 18 litres of IMFL/country made liquor from the motorcycle bearing registration no. BR27L 4783.

Learned counsel appearing on behalf of the petitioner submitted that as seizure list is not bearing the signature of peti-



tioner, is sufficient to gather, that recovery has not been made from conscious physical possession. It is also submitted that the seizure list is not supported by independent witnesses which creates a further doubt. While concluding the argument, it has been submitted that investigation is complete, where 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 the seizure list is not bearing the signature of petitioner.

Considering the facts and circumstances as mentioned above, as seizure list is disputed 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 Excise Thana Case No. 08 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 Special Judge Excise-II, Nawada/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

