

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37954 of 2022**

Arising Out of PS. Case No.-601 Year-2021 Thana- SHEKHPURA District- Sheikhpura

GHANSHYAM KUMAR @ GHANSHYAM RAM Son of Sri Karu Ram
Resident of village- Murarpur, Police Station Korma District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Arun Kumar Singh

**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
Case No. 427 of 2021 registered for the offence under Sections
272, 273 and 414 of the I.P.C. and under Sections 30(a)/32/41 of
the Bihar Prohibition and Excise Act, 2018 and under Sections
25(1-b)a/26/35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.11.2021.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 50 litres of IMFL/country made liquor from the



motorcycle bearing registration no. BR-06BH-7586.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is no way connected with seized motorcycle from where alleged illicit liquor was made. It is also submitted that to make the allegations more aggravated, the petitioner shows to be in possession of one loaded country made pistol and a mobile of Vivo company, where seizure list for that reason is not supported by independent witnesses. While concluding the argument, it has been submitted that 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 motorcycle, as per seizure list.

Considering the facts and circumstances as mentioned above, as petitioner appears not to be connected with seized motorcycle 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 Excise Case No. 427 of 2021 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 2nd Additional District and Sessions Judge,
Sheikhpura/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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