

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38637 of 2022

Arising Out of PS. Case No.-766 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Santosh Sahani Son of Bhado Sahani R/O Village- Majhariya, P.S.-
Turkauliya, District- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

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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. 766 of 2019 registered for the offence under Sections
30(a), 36, 41(i) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 454.680 litres of IMFL/country made liquor from
the alleged shop.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of alleged illicit liquor was made
from the shop and, as such, it cannot be said to be recovered



from the conscious physical possession of the petitioner. It is further submitted that the seizure list is not supported by independent witnesses and same appears to be in violation of Section 100 (4) of the Cr.P.C. 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner in the background of the 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. 766 of 2019 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 Act, East Champaran, Motihari/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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