

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38823 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- PANJWARA District- Banka

ROHIT KUMAR Son of Bideshwar Singh Resident of Village - Iniyar, P.S.-
Muffasil, Distt.- Begusarai. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam, Advocate

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

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 Panjwara
P.S. Case No. 44 of 2022 registered for the offence under
Sections 30(a) and 32(2) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 314.775 litres of IMFL/country made liquor from
the alleged Car.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of illicit liquor was made
from the jointly occupied car 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 which creates a further doubt over entire seizure. 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 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 Panjawara P.S. Case No. 44 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 Additional District and Sessions Judge-V-cum-Special Judge Excise, Banka/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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