

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.40356 of 2022**

Arising Out of PS. Case No.-70 Year-2022 Thana- SIKANDRA District- Jamui

Gautam Kumar Singh @ Gautam Kumar Son of Anil Singh R/O Village-  
Karma, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate  
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      23-08-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP 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 Sikandra  
P.S. Case No. 70 of 2022 registered for the offence under  
Sections 272 and 273 of the Indian Penal Code and Section  
30(a) of the Bihar Prohibition and Excise (Amendment) Act,  
2018.

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



custody since 29.03.2022.

The allegation against the petitioner is to have in possession of two liters of country made liquor, which was recovered from the poultry farm of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the seizure list is not bearing the signature of the petitioner, which implies that the recovery was not made from the physical possession of the petitioner. It is submitted that recovery was made from the poultry farm of the petitioner, which is accessible by general public. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sikandra P.S. Case No. 70 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-I, Jamui/concerned Court, subject  
to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

