

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44824 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- MAHUA District- Vaishali

SADANAND SINGH @ MUNNA @ MUNNA KUMAR SINGH Son of
Thakur Suresh Prasad Singh Resident of Village - Madhopur Nizma, P.s.-
Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2022 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 Mahua
P.S. Case No. 369 of 2021 registered for the offence under
Sections 30(a), 32(ii), 34(ii), 38(ii), 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 27.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 2023 litres of IMFL/country made liquor from the



alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not apprehended on spot and admittedly, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. It is submitted that the name of petitioner surfaced in present case on the basis of secret input. It is further submitted that similarly situated co-accused persons have already been granted bail by one of learned co-ordinate Bench by this Court through Cr. Misc No. 69546 of 2021 vide order dated 07.02.2022. It is also submitted that seizure list is not supported by independent witnesses rather same is supported by home-guard perssonel. 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 alleged illicit liquor was not made from the conscious physical possession of the petitioner, where seizure list appears to be doubtful 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



Mahua P.S. Case No. 369 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 Court of Exclusive Special Excise Court No.-II-cum-Additional District and Sessions Judge, Vaishali at Hajipur/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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