

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47913 of 2022**

Arising Out of PS. Case No.-293 Year-2021 Thana- KHARIK
District- Bhagalpur

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Rinta @ Rinta Singh @ Rajnish Singh @ Rrajnish S/o Manoj
Singh @ Manoranjan Prasad Singh R/o village- Telghi, P.S.-
Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

ORAL ORDER

2 20-09-2022 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 Kharik
P.S. Case No. 293 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 01.07.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 15.75 litres of illicit IMFL /country made liquor from the Basa of petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the “**Basa**” of this petitioner which is an open area being accessible by other family members and general public also and as such it cannot be said that recovery of alleged illicit liquor was made from conscious physical possession of this petitioner. It is further submitted that seizure list is not also supported by independent witnesses rather same is witnessed by police personnel. While concluding the argument, it has been submitted that investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor is made from an open place coupled with the fact that seizure list appears



doubtful, let the petitioner, above named, is directed to be released on bail in connection with Kharik P.S. Case No. 293 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 Special Judge Excise-1, Bhagalpur in Kharik/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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