

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49316 of 2022

Arising Out of PS. Case No.-342 Year-2019 Thana- PARSA District- Saran

SANTOSH PRASAD @ SANTOSH KUMAR @ SANTOSH SAH Son of -
Late Raghunath Sah Resident of Village - Chakiya, Teacher colony, P.S.-
Chakiya, District - East Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N. K. Agrawal, Sr. Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-09-2022 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 Parsa P.S.
Case No. 342 of 2019 registered for the offence under Sections
30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2018 and
Sections 272, 273, 306, 420, 120(B), 467, 468, 471, 414/34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.05.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 4400 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner disclosed by apprehended driver and admittedly, it is not a case of recovery of illicit liquor from the petitioner. It is further submitted that seizure list is also not supported by independent witnesses rather by local Chaukidar. While concluding the argument, it is submitted that investigation of this case is complete, where 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 conscious physical possession of this 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 Parsa P.S. Case No. 342 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 2nd Exclusive Special Excise Court, Saran at Chapra/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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