

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49559 of 2022**

Arising Out of PS. Case No.-74 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Dinesh Singh S/o Rajendra Singh Resident of Village- Mishir Bigha Jasoiya,
P.S.- Town Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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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

Aurangabad (Town) P.S. Case No. 74 of 2022 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 21.06.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 30 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of this petitioner, which is jointly occupied and accessible by other family members and, as such it cannot be said that recovery was made from conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. was not made in present case. It is also pointed out that seizure list appears disputed, as same is not supported by independent witnesses. While concluding the argument, it has been submitted that investigation of this case has been completed, 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 not appears 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 Aurangabad (Town) P.S. Case No. 74 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-Ist, Aurangabad/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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