

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50195 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- RISIYAP District- Aurangabad

GAUTAM KUMAR son of - Parshuram Prasad Resident of Village and Post -
Jogia, P.S. Barun, District - Aurangabad, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Risiyap

P.S. Case No. 15 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 05.07.2022.

The allegation against the petitioner is to be engaged

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

was recovery of 75 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner has implicated in this case only for the reason that he is registered owner of the alleged motorcycle, from where illicit liquor was recovered. It is submitted that recovery of illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is further submitted that seizure list is disputed and same is not supported by independent witness rather by home-guard personnel. While concluding the argument, it is categorically submitted that investigation of this case is complete, where 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 seizure list appears disputed, being not supported by independent witnesses, where petitioner is a man of clean antecedent 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 Risiyap P.S. Case No. 15 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 II, Aurangabad/concerned court, subject to the conditions as



mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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