

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50366 of 2022

Arising Out of PS. Case No.-423 Year-2022 Thana- GHORASAHAN District- East
Champaran

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RANJEET SINGH Son of Rajnand Singh @ Rajnandan Singh Resident of
Village - Sathaura, Post - Jhajhara, P.S.- Jitna, District - East Champaran
(Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-10-2022 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 Ghorasahan
P.S. Case No. 423 of 2022 registered for the offence under Section
30(a) and 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 26.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 43.5 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged motorcycle is not connected in any manner



with petitioner where, recovery was made from a jute bag and as such it cannot be said that same was made from conscious physical possession of this petitioner. It is further submitted that seizure list appears disputed as same is not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that investigation of this case is completed, 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 recovery of illicit liquor not appears from the conscious physical possession of the petitioner as seizure list appears disputed being not supported by independent witnesses 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 Ghorasahan P.S. Case No. 423 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 Exclusive Special Excise Court No.I, Civil Court, East Champaran, Motihari/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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