

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50962 of 2022

Arising Out of PS. Case No.-319 Year-2022 Thana- FATEHPUR District- Gaya

Krishna Gupta Son of Lakhan Sao Resident of Village- Bagahi Road, Gopi
More, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the State : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-11-2022 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 Fatehpur
P.S. Case No. 319 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 01.06.2022.

The allegation against the petitioner is to have in
possession of 82.38 liters of foreign liquor, which was recovered
from his house.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of illicit liquor was made



from the house of the petitioner, which is jointly occupied by other family members and, as such, it cannot be said that recovery of illicit liquor was from the conscious physical possession of the petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. was not made with. It is also submitted that seizure list is also appears doubtful, being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Fatehpur P.S. Case No. 319 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.1, Gaya/concerned Court, subject to the
conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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