

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52183 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. Raja Kumar @ Raja Kamat Son Of Umesh Kamat R/O Village- Kutti Tola Ward No. 27, P.S. And District- Supaul
 2. Dilkush Kumar Son Of Late Prabhu Mandal R/O Village- Vhina Ana Toli Ward No.-27, P.S. And District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the

petitioners 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 petitioners seek bail in connection with Madhya
Nisedh P.S. Case No. 42 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in
custody since 03.05.2022.

The allegation against the petitioners is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 106.92 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners



submitted that alleged recovery of illicit liquor was made from jointly occupied car and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of these petitioners. It is further submitted that seizure list appears disputed being not supported by independent witnesses, rather by police personnels. 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 seizure list appears disputed being not supported by independent witnesses coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Madhya Nisedh P.S. Case No. 42 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 Additional District and Sessions Judge, IV, Special Judge(Excise), Kishanganj/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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