

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53840 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- DANAPUR District- Patna

Chandan Kumar Son of Ram Ayodhaya Singh R/V- Beyapur, P.S - Maner,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Ranjan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-10-2022 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 Danapur P.S. Case No. 184 of 2022 registered for the offence under Sections 337, 338, 279, 353, 307 and 511 of the I.P.C and 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 16.03.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 99 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of alleged vehicle from where recovery of illicit liquor was made, where nothing surfaced during the



course of investigation which may suggest that petitioner was under knowledge to carry consignment of illicit liquor and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is also submitted that seizure list is not supported by independent witnesses, rather by police personnels creating a doubt over entire seizure/recovery. 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, where seizure list appears disputed 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 Danapur P.S. Case No. 184 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 Court, Patna/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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