

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54587 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

Chotu Kumar s/o lakhan ray resident of village- lagurow, ward no.06, p.s.-
Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, App

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 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 Hajipur
Prohibition and Excise P.S. Case No. 107 of 2022 registered for the
offence under Section 30(a), 32(1), 32(3), 41(1) and 41(2) of the
Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 20.25 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was not apprehended on spot, which is
evident from the fact that seizure list bears no signature and as such it



can be safely gathered that recovery of illicit liquor was not made from his physical possession. It is also submitted that seizure list appears disputed being not supported by independent witnesses, rather by police personnels. 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 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 Hajipur Prohibition and Excise P.S. Case No. 107 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-2-cum-Additional Session Judge, Vaishali/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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