

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54353 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- RAJAON District- Banka

Nitish Kumar Son of Sekhar Yadav Resident of Village - Gamhariya, P.s.-
Gamhariya, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore(App100)

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

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 Rajoun
(Nabada O.P.) P.S. Case No. 213 of 2022 registered for the
offence under Sections 30(a) and 32(2) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 201 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from jointly occupied car, where recovery of illicit liquor was made from dickey and as such it cannot be said that it was in knowledge of the petitioner who was the driver of the alleged vehicle and as such it can also be safely said that same was not recovered from conscious physical possession of this petitioner. It is further submitted that seizure list is not supported by independent witnesses, rather by local Chaukidars. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, 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 was made from jointly occupied car in the background of disputed seizure list, where petitioner is a man of clean antecedent 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 Rajoun (Nabada O.P.) P.S. Case No. 213 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 Sessions Judge-II, Banka/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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