

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61187 of 2022**

Arising Out of PS. Case No.-67 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Ajay Kumar Son Of Late Kedar Rai R/O Village- Siswa, P.S.- Raxaul, Distt.-
East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

The petitioner seeks bail in connection with Excise P.S.
Case No.67 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

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



custody since 05.05.2022.

The allegation against the petitioner is to be in illegal possession of illicit liquor, where, there was recovery of 170 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by Bihar Home Guard personnel. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances as mentioned above as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Excise P.S. Case No.67 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 No.2, East
Champaran, Motihari/concerned court, subject to the conditions
as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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