

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56411 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- CHANDI District- Bhojpur

Raj Kumar Yadav @ Raj Kumar Singh Son of Late Nandjee Singh Resident
of Ramdihal Tola, P.S.-Chandi, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 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 Chandi P.S.
Case No. 187 of 2021 registered for the offence under Sections 30(a)
and 30(d) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 50 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of alleged illicit liquor was made from an
open place, which is a village canal and accessible by general public



and, as such, it cannot be said that the recovery of alleged illicit liquor was made from physical possession of this petitioner. It is further submitted that the name of petitioner surfaced on the basis of suspicion, as raised by local village choukidar. It is further pointed out that the seizure list witnesses are police personnels, which makes entire seizure list/recovery doubtful.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was made from an open place, where seizure list appears doubtful being not supported by independent witnesses, let the petitioner, above named, is directed to be released on bail in connection with Chandi P.S. Case No. 187 of 2021 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 No. 1, Bhojpur, Ara/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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