

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57321 of 2022

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

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Sanjeev Singh @ Sanju Yadav @ Sanjeev Kumar Son of Mithilesh Yadav
Resident of village - Ram Dihal Tola, P.S.- Chandi, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the State : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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
(Amendment) Act 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.07.2022.



The allegation against the petitioner is to be involved in the manufacturing of illicit liquor, where 50 liters of desi Mahua wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit wine was made from open place i.e., '*Aahar*', which is accessible by general public and, as such, it can be safely gathered that recovery of illicit wine was not made from the conscious physical possession of the petitioner. It is further pointed out that seizure list is not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances. as mentioned above, as recovery was made from open place in the background of disputed seizure list coupled with the fact that chargesheet has already been submitted, 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, District- Bhojpur at Ara/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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