

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59099 of 2022

Arising Out of PS. Case No.-826 Year-2021 Thana- KUDHNI District- Muzaffarpur

Sachindra Rai @ Sakindra Rai Son of Laldeo Rai Resident of Village-
Ladwariya, P.S.- Kudhani, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate
For the State : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 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 Kudhani
P.S. Case No. 826 of 2021 registered for the offence under
Sections 272, 273 and 34 of Indian Penal Code and 30(a) of
Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.07.2022.

The allegation against the petitioner is to be involved
in illegal trading/business of illicit liquor, where 265 liters of
illicit liquor was recovered.



Learned counsel appearing on behalf of the petitioner submitted that, admittedly the recovery of illicit liquor was not made from the conscious physical possession of this petitioner, as per the seizure list. It is submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused namely Bajrangi Kumar, in furtherance of which nothing incriminating recovered/surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of recovery. It is further pointed out that the seizure list appears doubtful being not supported by independent witnesses rather by police personnel which creates a doubt over entire allegation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 recovery of illicit liquor not appears to be made from conscious physical possession of petitioner, in the background of doubtful 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 Kudhani P.S. Case No. 826 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 Exclusive Special Judge (Excise) Court No. II, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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