

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57513 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- AMNAUR District- Saran

Om Prakash Rai @ Biru Rai @ Biru Son of Chandeshwar Rai Resident of
village - Goroul, P.S.- Amnour, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-11-2022 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 Amnour P.S.
Case No. 186 of 2022 registered for the offence under Sections 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 266.25 litres of IMFL/country made liquor from the alleged Dalan
and Bhushhol.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged illicit liquor was recovered from “*Dalan*”



of one Baijanti Devi, who is the neighbour of the petitioner and mere on the basis of secret input, as provided by local chaukidar, his name surfaced in this case without any basis. It is further submitted that the seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation has been completed, for which, 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 alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner 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 Amnour P.S. Case No. 186 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 District and Session Judge 2nd-cum-1st Exclusive Special Excise Court, Saran at Chapra/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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