

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55581 of 2022

Arising Out of PS. Case No.-433 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Mahendra Chaudhary S/o- Shri Shiv Shankar Chaudhary, R/o Village- Kila Dalelganj, Ward No. 25, P.S.- Sasaram (Nagar), District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Sasaram (T) P.S. Case No. 433 of 2022, lodged under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the total recovery of 75 liter of *Mahua* wine is the subject matter relating to the present case.

Learned counsel for the petitioner submits that as per F.I.R. total recovery from the petitioner's possession is shown as 75 liter of *Mahua* wine. Learned counsel for petitioner submits that the said recovery is illegal because the seizure list annexed with the F.I.R. indicates that there is no signature of petitioner

on the said seizure list, as such there is gross violation of Section 100 of Cr.P.C. He further submits that petitioner is in custody since 30.05.2022, charge sheet has already been filed in this case and there are 3 criminal cases pending against the petitioner, in which he is on bail in all the cases.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2-cum-Additional District & Sessions Judge, Rohtas at Sasaram in connection with Sasaram (T) P.S. Case No. 433 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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