

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56959 of 2022

Arising Out of PS. Case No.-301 Year-2022 Thana- PATLIPUTRA District- Patna

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Vinod Rai @ Binod Rai Son of Lallu Rai Resident of Gate No.- 64, Kurji,
P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate
For the State : Ms. Pronoti Singh, 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 Patliputra
P.S. Case No. 301 of 2022 registered for the offence under
Sections 30(a) and 41(1) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2022.



The allegation against the petitioner is to have in possession of 28 liters of illicit country made liquor, where there was total recovery of 58 liters of country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the bag, from which the alleged illicit liquor was recovered, is not connected, in any manner, with the petitioner and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner. It is further pointed out that seizure list appears doubtful being 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 seizure list of alleged illicit liquor appears doubtful being not supported by the independent witnesses 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 Patliputra P.S. Case No. 301 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 Special Judge, Excise, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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