

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57536 of 2022

Arising Out of PS. Case No.-633 Year-2021 Thana- MASAUDHI District- Patna

Shashi Kumar @ Satish Kumar Son of Late Naresh Yadav R/O- Badroi, P.S.-
Masaudhi, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Ms. Meena Singh, 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 Masaudhi
P.S. Case No. 633 of 2021 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 24.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 8 drums of Mahua Flowers from the place of
occurrence.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of alleged Mahua mixed with jaggery was recovered from an open place, accessible by general public and, as such, it cannot be said that recovery was made from the conscious physical possession of this petitioner. It is further submitted that no seizure list for alleged recovery was ever prepared by police and just mere on the basis of suspicion raised by local people, the name of petitioner surfaced in present case. It is further pointed out that the petitioner involved in five more criminal cases and for the same reason his name also appears in present case and in most of the cases the name of petitioner surfaced on the basis of suspicion, as of the present case. 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 recovery of alleged Mahua not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaudhi P.S. Case No. 633



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 Court of Special Judge, Excise, Patna/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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