

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64325 of 2022**

Arising Out of PS. Case No.-487 Year-2021 Thana- AKBARPUR District- Nawada

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Lalan Rajbanshi Son of Binod Rajbanshi @ Vijay Rajbanshi Resident of  
Village- Jobkala, P.S.- Rajauli in the district of Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Sunil Kumar, Advocate  
For the State : Mr. Shyam Bihari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      09-12-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State  
  
through virtual Court proceedings.

The petitioner seeks bail in connection with Akbarpur P.S.  
Case No.487 of 2021 registered for the offence under Section  
414 of the Indian Penal Code and Section 30(a) of the Bihar  
Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 29.04.2022.

The allegation against the petitioner is to be in  
possession of illicit liquor, where, there was recovery of 111  
litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, in furtherance of which, no incriminating material was recovered/surfaced during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of recovery of illicit liquor. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner in the background of doubtful seizure list, coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Akbarpur P.S. Case No.487 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 Exclusive Special Excise Court-2, Nawada/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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