

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60216 of 2022**

Arising Out of PS. Case No.-395 Year-2022 Thana- KATEYA District- Gopalganj

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Aurengzeb Sah @ Aurengzeb Shas @ Aurangjeb Shas S/O Late Mohammad Ali  
Resident of village- Sisai Takiya, Shekh Toli, P.S.- Bhagwan Bazar District-  
Chapra (Saran).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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

2      24-11-2022                      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 Kateya  
P.S. Case No. 395 of 2022 registered for the offence under  
Section 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 09.09.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 362.8800 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of alleged vehicle, where nothing surfaced during the course of investigation, as he was under knowledge of carrying the consignment of alleged illicit liquor and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is further submitted that seizure list appearing doubtful, being not supported by independent witnesses rather by local chowkidar.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, in the background of doubtful seizure list, let the petitioner, above named, is directed to be released on bail in connection with Kateya P.S. Case No. 395 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 Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj/concerned court, subject to the conditions as mentioned under Section



437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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