

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60662 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Debashish Das @ Debasis Das S/o Late Narayan Chandra Das @ Narayan Chandra Das @ Narayan Das @ Late Narayan Das Resident of village- Mira Bazar, P.S.- Kaliganj, P.O.- Palasi, District- Nadiya (West Bengal) 741156

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 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 Excise Complaint Case No.79C2 of 2020 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is in custody since 07.09.2022.

The allegation against the petitioner is to be involved in illegal trade of illicit liquor, where, there was recovery of 1126.98 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot, rather his



name surfaced in this case on the basis of paper book recovered from the truck, as the owner, which sufficiently suggests that recovery of illicit liquor was not made from conscious physical possession of the petitioner, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel.

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

Considering 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, let above named, is directed to be released on bail in connection with Excise Complaint Case No.79C2 of 2020 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 Judge-II, Begusarai/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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