

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57701 of 2022

Arising Out of PS. Case No.-430 Year-2022 Thana- SHIVSAGAR District- Rohtas

Ravi Singh Son of Sri Ram Pravesh Singh Resident of Mohalla - Balaji
Extension, Lanka, Bhagwanpur, P.O.- Lanka, P.S.- Lanka, District - Varanasi,
Pin Code - 221005 (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhen Sarkar, Advocate
For the Opposite Party/s : Mr. Ram Anurag 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 Shivsagar
P.S. Case No. 430 of 2022 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 27.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 157.320 litres of IMFL/country made liquor from
the alleged vehicle.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was the driver of the alleged car from the dicky of which the recovery of alleged illicit liquor was made. It is further submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to carry the consignment of illicit liquor and, as such, it cannot be said that the recovery of illicit liquor was made from the conscious physical possession of this petitioner. It is further pointed out that seizure list also appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, 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 illicit liquor not appears to be made from the conscious physical possession of this petitioner, in the background of disputed seizure list 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 Shivsagar P.S. Case No. 430 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 Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram/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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