

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66006 of 2022**

Arising Out of PS. Case No.-524 Year-2021 Thana- BARAUNI District- Begusarai

Sanjay Kumar @ Langra Son of Late Bhajo Singh R/V- Saboura, P.S- Barauni
(Refinary), Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Barauni
(Refinary) P.S. Case No. 524 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 25.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 9 litres of IMFL/country made liquor from the shop



of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the shop of this petitioner, which is accessible by general public and moreover, the compliance of Section 100(4) of the Cr.P.C., as regard to search of premises, not appears to be complied with present case. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. 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 seizure list appears doubtful being not supported by independent witnesses 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 Barauni (Refinary) P.S. Case No. 524 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 Judge Excise-1, Begusarai/concerned court, subject to the



conditions as mentioned under Section 437 (3) of the Cr.P.C.
with further condition:

“Accused/Petitioner shall
cooperate in the trial and shall be
physically present on each and every
date before the Trial Court till
conclusion of the trial and exemption
from physical appearance be allowed
by the Trial Court, only on medical
ground of the petitioner duly
supported by the documents.”

(Chandra Shekhar Jha, J)

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