

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57527 of 2022

Arising Out of PS. Case No.-413 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Divesh Kumar Singh @ Divesh Singh S/o Dharmendra Singh R/V- Sagara,
Semaria, P.S.- Nautan, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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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 Excise P.S.
Case No. 413 of 2022 registered for the offence under Sections 30(a)
and 32(2) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.09.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 188.94 litres of IMFL/country made liquor from the alleged
vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged illicit liquor was recovered from the dicky of the car for which the petitioner was not aware about. It is further submitted that petitioner has been falsely implicated in present case which get its strength, as seizure list is not supported by independent witnesses, rather by police personnel. 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, 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 Excise P.S. Case No. 413 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 Court of Additional Sessions and District Judge II-cum- 1st Exclusive Special Judge Excise, Saran at Chapra/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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