

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63547 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

Anil Singh S/o Late Rajendra Singh Resident of village- Bhakura, P.S.- Ara
Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 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 Ara
Muffasil P.S. Case No. 244 of 2022 registered for the offence
under Sections 30(a) and 32(iii) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 235 litres of IMFL/country made liquor from an



open area.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made near one brick-kiln (chimney) of Dhananjay Singh, which is an open area, accessible by general public and, as such, it can be safely gathered that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by home-guard 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 recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, in the background of doubtful 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 Ara Muffasil P.S. Case No. 244 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 Judge Court No. 1, Bhojpur at Ara/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

