

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60011 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- BYPASS District- Patna

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Golu Kumar @ Goldi Son of Late Hari Ray Resident of village -
Kaumasikoh, Kila Road, In-front of Gurugovind Singh College, P.S.- Chowk,
District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Jay Ram Prasad. Advocate
For the State : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Bypass P.S.
Case No.114 of 2021 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.09.2022.

The allegation against the petitioner is to be in
possession of illicit liquor, where, there was recovery of 100
litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery was made from co-accused Deepak Kumar and Raushon Kumar and on the basis of their disclosure, the name of petitioner surfaced in the present case and admittedly recovery of illicit liquor was not made from possession of this petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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 was 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 Bypass P.S. Case No.114 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 Special Judge



Excise, Patna City/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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