

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62806 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- PAROO District- Muzaffarpur

Abhay Rai @ Abhay Kumar Son of Late Yogi Rai @ Jogi Rai Resident of
Village - Sarmastpur, P.S.- Paroo, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Hans Lal Kumar, Advocate
For the State	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

The petitioner seeks bail in connection with Paroo P.S.
Case No.35 of 2021 registered for the offence under Sections
272 and 273 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.09.2022.

The allegation against the petitioner is to be in illegal
possession of illicit liquor, where, there was recovery of 452.625
litres of illicit IMFL/country made liquor and 70 liters of illicit



spirit.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from *Diyara* area where land belongs to one, Raj Kishore Singh, which is an open place accessible by general public, and as such, it cannot be said that recovery was made from conscious physical possession of the petitioner. It is submitted that the name of petitioner surfaced in this case, merely, on the basis of suspicion as raised by local chowkidars. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that 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.

In view of the facts and circumstances as mentioned above as the recovery of alleged illicit liquor appears to be made from open place, in the background of doubtful seizure list coupled with the fact that chargesheet has been submitted, let above named petitioner directed to be released on bail in connection with Paroo P.S. Case No.35 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 Exice Court No.II, Muzaffarpur/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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