

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61170 of 2022**

Arising Out of PS. Case No.-803 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Patna

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Rahul Kumar Son of Singeshwar Ray R/v- Naya Tola, Sabnima, P.S.-  
Athmalgola, 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. Parmanand Kumar, APP

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

2      26-11-2022                      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 Patna P.S.  
Case No.803 of 2022 registered for the offence under Section  
30(a) and 56(b) of the Bihar Prohibition and Excise  
(Amendment) Act, 2016.

The accused/petitioner is named in the F.I.R. and is in  
custody since 13.09.2022.

The allegation against the petitioner is to be in  
possession of illicit liquor, where, there was recovery of 240



litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from tempo, which is a public carrier and accessible by general public at large, and as such, it can be safely gathered that recovery was not made from conscious physical possession of the petitioner, who is a man of clean antecedent. 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 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 illicit liquor not appears to be made from conscious physical possession of the 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 Patna P.S. Case No.803 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 Special Judge, Excise  
Patna/concerned court, subject to the conditions as mentioned  
under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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