

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60230 of 2022

Arising Out of PS. Case No.-567 Year-2022 Thana- FATEHPUR District- Gaya

Umesh Kumar Son of Ramdev Yadav R/V- Tegaini @ Regaini, P.S- Fatehpur,
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Fatehpur
P.S. Case No. 567 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.09.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 960 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that out of total recovery 960 litres, the recovery of 240 litres was alleged to be made from the alleged motorcycle of the petitioner. It is submitted that petitioner is not connected in any manner with the alleged motorcycle, which was jointly occupied at the time of recovery. It is further submitted that seizure list appears doubtful, being supported by police personnels. While concluding the argument, it has been categorically submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, in the background of doubtful seizure list coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Fatehpur P.S. Case No. 567 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 Exclusive Special Excise Court No.1, Gaya/concerned court, subject to the



conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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