

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60816 of 2022

Arising Out of PS. Case No.-267 Year-2022 Thana- SHIVSAGAR District- Rohtas

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Niku Kumar @ Miku Kumar S/o Santosh Bind R/o Village- Kadirganj, P.S.-
Darigawan, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ayush Kumar, Advocate
For the State : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 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 Shivsagar
P.S. Case No.267 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise(Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.06.2022.

The allegation against the petitioner is to be in illegal
possession of illicit liquor, where, there was recovery of 110
litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery was not made from conscious



physical possession of the petitioner. 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.

Considering the facts and circumstances as mentioned above as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Shivsagar P.S. Case No.267 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, Rohtas at Sasaram/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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