

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62343 of 2022

Arising Out of PS. Case No.-419 Year-2022 Thana- WAJIRGANJ District- Gaya

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Pintu Kumar Son of Late Suresh Yadav Resident of village - Dihuri, P.S.-
Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Wazirganj

P.S. Case No. 419 of 2022 registered for the offence under Sections

30(a) and 45 of the Bihar Prohibition and Excise Act, 2018 and under

Sections 413, 414 and 34 of the Indian Penal Code.

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

custody since 19.08.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 240 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was a driver, where he was apprehended while running away from the place of recovery and admittedly, the recovery of alleged illicit liquor was not made from his conscious physical possession. It is submitted that seizure list appears doubtful not supported by independent witnesses, rather by chaukidar. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful not supported by independent witnesses 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 Wazirganj P.S. Case No. 419 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 Exclusive Special Judge, 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)

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