

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62931 of 2022**

Arising Out of PS. Case No.-352 Year-2022 Thana- AMAS District- Gaya

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Kapil Kumar Son of Shyamdev Yadav R/V- Pachrukhiya P.S- Raushanganj,
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate
For the State : Mr. Atul Chandra, 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 APP appearing on behalf of the State

through virtual Court proceedings.

The petitioner seeks bail in connection with Amas P.S.
Case No.352 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 11.09.2022.



The allegation against the petitioner is to in possession of illicit liquor, where, there was recovery of 60 litres of illicit country made mahua liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not the owner of the alleged motorcycle, and as such, it cannot be said that recovery was made from the 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.

In view of 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 been submitted, let above named petitioner directed to be released on bail in connection with Amas P.S. Case No.352 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 Excise Court No.2,
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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