

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61142 of 2022

Arising Out of PS. Case No.-394 Year-2022 Thana- WAJIRGANJ District- Gaya

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Akhilesh Chaudhary S/o Late Suresh Chaudhary R/o Village- Chakpar, P.S.-
Hisua, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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 Wazirganj

P.S. Case No. 394 of 2022 registered for the offence under

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

and under Section 414 of the Indian Penal Code.

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

custody since 29.08.2022.

The allegation against the petitioner is to be engaged

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

recovery of 260 litres of IMFL/country made liquor from the



jointly occupied motorcycle and house.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery was made from the jointly occupied motorcycle and from the house, which is also occupied by several other family members and, as such, it can be safely gathered that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is pointed out that seizure list is appearing doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it has, categorically, been submitted that 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 recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this 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 Wazirganj P.S. Case No. 394 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 Judge 1st, 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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