

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62199 of 2022

Arising Out of PS. Case No.-406 Year-2022 Thana- NAUBATPUR District- Patna

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Pintu Yadav Son of Laldhari Ray Resident of village - Bhusaula Pokharpar,
P.S.- Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the State : Mr. Yogendra Kumar Singh, 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.

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

of four weeks from today.

The petitioner seeks bail in connection with

Naubatpur P.S. Case No. 406 of 2022 registered for the offence

under Sections 30(a) and 41 of the Bihar Prohibition and Excise

Act.

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

custody since 24.06.2022.

The allegation against the petitioner is to have in



possession of 97.17 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged vehicle, from where recovery of illicit liquor was made and nothing surfaced during the course of investigation, which may suggest that petitioner is under knowledge to have illegal consignment of illicit liquor and, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further 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 in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner, in the background of doubtful seizure list coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Naubatpur



P.S. Case No. 406 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 Excise Judge, Danapur, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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