

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.955 of 2022

Arising Out of PS. Case No.-446 Year-2021 Thana- AMARPUR District- Banka

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Karu Mandal Son of Madho Mandal Resident of Village - Rurganj Fatehpur,
P.S.- Amarpur, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 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 Amarpur

P.S. Case No. 446 of 2021 registered for the offence under

Sections 30(a)(2) and 32(2) of the Bihar Prohibition and Excise

Act, 2018.

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

custody since 06.09.2021.

The allegation against the petitioner is to be engaged

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



was recovery of 15 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the road side area, which is accessible by general public and, as such, it can be safely gathered that recovered illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful, not supported by independent witnesses rather by police personnel. While concluding the argument, it has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is not chance of tempering 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 the 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 Amarpur P.S. Case No. 446 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-II, Banka/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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