

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61960 of 2022**

Arising Out of PS. Case No.-326 Year-2022 Thana- RAFIGANJ District- Aurangabad

Rakesh Kumar Son of Kameswar Yadav Resident of village - Thawi, P.S. and
P.O.- Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

**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 Rafiganj P.S.
Case No. 326 of 2022 registered for the offence under Section 414 of
IPC and under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 65 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is neither driver nor owner of the alleged motorcycle from which recovery of illicit liquor was made and, as such it can be safely gathered that the recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that seizure list is not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation of this case is 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 being not supported by independent witnesses 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 Rafiganj P.S. Case No. 326 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 Judge Excise, Ist, Aurangabad, Bihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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