

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63573 of 2022**

Arising Out of PS. Case No.-367 Year-2022 Thana- SIMRI District- Buxar

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Pappu Paswan Son of Late Amawash Paswan R/O Village- Balihar, P.S.-
Simari, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Naveen Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-12-2022 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 Simri P.S.

Case No. 367 of 2022 registered for the offence under Sections 30(a)

and 30(D) of the Bihar Prohibition and Excise Act, 2018.

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

custody since 27.09.2022.

The allegation against the petitioner is to be engaged in

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

of 20 litres of IMFL/country made liquor from jointly occupied

house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery of illicit liquor was made from jointly occupied house, which is accessible by other family members and, as such, it cannot be said that recovery was made from the conscious physical possession of this petitioner. It is pointed out that the compliance of Section 100 of the Cr.P.C. was not made in present case. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by local chaukidars.

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, let the petitioner, above named, is directed to be released on bail in connection with Simri P.S. Case No. 367 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 Judge Excise Court No. 2, Buxar/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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