

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65280 of 2022**

Arising Out of PS. Case No.-134 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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AMARESH NAT @ LANGARA S/o Late Nandu Nat @ Nanda Nat @ Nand
Ram R/v- Vishrampur Tola, P.S.- Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the Opposite Party/s : Mr.Atul Chandra

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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 Excise P.S.

Case No. 134 of 2020 registered for the offence 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 05.08.2022.

The allegation against the petitioner is to be engaged in

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

recovery of 52.405 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of illicit liquor was made from the barren land, which is an open place, not connected in any manner with this petitioner and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that seizure list witnesses are police personnels, not independent witnesses, which creates a doubt over entire seizure. While concluding the argument, it has been submitted that investigation of this case is completed, 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 illicit liquor is made from an open field in the background of doubtful seizure list, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 134 of 2020 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-I, Rohtas at Sasaram/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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