

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66322 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- KARJAIN District- Supaul

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Sahil Singh Son of Shyam Singh @ Shyam Narayan singh R/v- Fakirna, Ward  
No.- 10, P.S.- Karjain, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 63874 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- KARJAIN District- Supaul

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Amit singh son of nagendra singh r/v- fakirna, ward no. 10, P.S.- Karjain,  
District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 66322 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 63874 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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



3 23-12-2022

**CRIMINAL MISCELLANEOUS No.66322 of 2022**

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Karjain P.S. Case No.33 of 2022 registered for the offence under Sections 30(a), 41(i), and 37(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 27.08.2022.

The allegation against the petitioner is to be in illegal possession of illicit liquor, where, there was recovery of 90 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 bamboo clumps, 70 feet away from the house of petitioner and, as such, it can be safely gathered that recovery was not made from the conscious physical possession of the petitioner. It is also submitted that petitioner found involved in 4 more criminal cases, where he is on bail and his name surfaced in the present case out of suspicion as of previous criminal antecedents without having any connecting evidence. While concluding the



argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor appears to be made from an open place coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Karjain P.S. Case No.33 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 Additional District and Sessions Judge II, Special Judge, (Excise), Supaul/concerned court, subject to the following condition :

(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by the documents.

**CRIMINAL MISCELLANEOUS No. 63874 of 2022**

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Karjain P.S. Case No.33 of 2022 registered for the offence under Sections 30(a), 41(i) and 37(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 30.09.2022.

The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where, there was recovery of 207 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 house of the father of petitioner and, as such, it can be safely gathered that alleged recovery was not made from the conscious physical possession of this petitioner. It is also submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case. It is also submitted that petitioner found involved in 4 more criminal cases, where he is on bail and his name



surfaced in the present case out of suspicion as of previous criminal antecedents without having any connecting evidence. While concluding the argument investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Karjain P.S. Case No.33 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 Additional District and Sessions Judge-II, Special Judge(Excise) Supaul/concerned court, subject to the following conditions:

- (i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and



exemption from physical appearance be  
allowed by the Trial Court, only on medical  
ground of the petitioner, duly supported by  
the documents.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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