

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64523 of 2022**

Arising Out of PS. Case No.-128 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Umesh Rai S/O Chandar Ray @ Chanar Ray Resident of village- Lauwan,
P.S.- Isuapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the State : Mr. Surendra Kumar, 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 APP 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. 128 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 12.09.2022.

The allegation against the petitioner is to have in possession of 25.110 liters of foreign liquor and 70 liters of spirit.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor and spirit was made from open place, outside the kitchen of the house of the petitioner from heap of straw and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel.

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

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor and spirit was made from open place i.e., from heap of straw coupled with the fact that seizure list appears doubtful being not supported by independent witnesses rather by police personnel, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 128 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 2nd Additional Sessions Judge-cum-1st Exclusive Special Judge, Excise, Saran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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