

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64552 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- CHANAN District- Lakhisarai

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Pankaj Ram Son of Late Raj Kumar Ram R/O Vill.- Kundar, P.S.- Chanan,
Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate
For the State : Mr. Rajeev Nayan, APP-231

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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 Chanan
P.S. Case No. 28 of 2022 registered for the offence under
Sections 30(a)(b)(c) of the Bihar Prohibition and Excise
(Amendment) Act.

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



custody since 06.09.2022.

The allegation against the petitioner is to be involved in illegal manufacturing and trading of illicit liquor, where 100 liters of country made Mahua liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from open place i.e., mountain area, which is accessible by general public 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. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

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 was made from open area coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanan P.S. Case No. 28 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-IV-cum-Special Excise Court No.1, Lakhisarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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