

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65633 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- HALSI District- Lakhisarai

Jawahar Chaudhary Son of Biru Chaudhary R/O Village- Pratappur, P.S.-
Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the State : Mr. Surendra Prasad Singh, APP

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 Halsi P.S.
Case No. 214 of 2022 registered for the offence under Sections
30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2022.



The allegation against the petitioner is to have in possession of 27 liters of Mahua liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from a room constructed on the roof of the house of the petitioner, which is accessibly by other family members and, as such, it can be said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case, as regard to search of the premises. It is also 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 not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Halsi P.S. Case No. 214 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-I, Lakhisarai/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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