

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68102 of 2022

Arising Out of PS. Case No.-485 Year-2022 Thana- TAJPUR District- Samastipur

Paras Nath Pandey Son of Late Ramavatar Pandey Resident of Village -
Dharampur Bandey, P.S.- Patory, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68110 of 2022

Arising Out of PS. Case No.-485 Year-2022 Thana- TAJPUR District- Samastipur

Nishu Kumar Son of Subodh Kumar Pandey R/v- Dharampur Bandey,
Shahpur Patory, P.S.- Patory, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68102 of 2022)

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 68110 of 2022)

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022

Cr. Misc. No. 68102 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Tajpur



(Halia O.P.) P.S. Case No. 485 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and under Sections 272, 273 and 34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in custody since 17.10.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3257.28 litres of IMFL/country made liquor from the alleged vehicles.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of not named co-accused person, namely Amit Kumar whose name surfaced on the basis of confessional statement of Nishu Kumar, in furtherance of which no illicit liquor was recovered from the house of this petitioner. It is also submitted that the compliance of Section 100(4) of the Cr.P.C. also not appears to be made in present case, as regard to the search of premises. It is submitted that save and except one mobile, which belongs to this petitioner, no incriminating material recovered from his possession. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, 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 no illicit liquor recovered from the house of this petitioner to connect with present seized consignment of illicit liquor coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tajpur (Halia O.P.) P.S. Case No. 485 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 Court of Special Excise Court No. 2, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“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.”



Cr. Misc. No. 68110 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Tajpur (Halia O.P.) P.S. Case No. 485 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and under Sections 272, 273 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 17.10.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 112.32 litres of IMFL/country made liquor from the alleged vehicles.

Learned counsel appearing on behalf of the petitioner submitted that the alleged car, from where illicit liquor was recovered, was jointly occupied and, as such, it cannot be said that recovery of alleged illicit liquor was made from conscious physical possession of this petitioner, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful,



being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, 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 seizure list appears doubtful, being not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 17.10.2022, let the petitioner, above named, is directed to be released on bail in connection with Tajpur (Halia O.P.) P.S. Case No. 485 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 Special Judge Excise Court No. 2, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“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)

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