

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67074 of 2022

Arising Out of PS. Case No.-239 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Hari Shankar Kumar Son Of Dhanpat Mahto R/O Bhup Bhairo Khap Tola,
P.S.- Sitamarhi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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. 239 of 2022 registered for the offence under
Sections 30(a) and 32(3) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 103.5 litres of Nepali Saufi liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from jointly occupied motorcycle and, as such, it cannot be said that said recovery was made from the physical possession of this petitioner. It is submitted that seizure list appearing doubtful, for the reason that same has been supported by police personnel of S.S.B., not by independent witnesses. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as seizure list appears doubtful, being not supported by independent witnesses, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 239 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 Exclusive Special Excise Court No-II,



Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C with further condition:

“That Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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