

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67316 of 2022**

Arising Out of PS. Case No.-337 Year-2022 Thana- DELHA District- Gaya

Manoj Prasad @ Manoj Praasad Son of Late Ramanand Prasad Resident of
Mohalla- Janta Colony, Bairagi, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Adv.

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

**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 Delha
P.S. Case No. 337 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.09.2022.

The allegation against the petitioner is to be engaged
in illegal trade of foreign liquor, where, there is recovery of
85.825 litres of foreign liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged illicit liquor was made from house of the petitioner, which is jointly occupied by other family members of this petitioner, as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioner. It is also pointed out that seizure list witnesses are police personnels and not independent witness, making seizure list doubtful, as regard to recovery of the illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already 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.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner 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 Delha P.S. Case No. 337 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. 1, Gaya/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 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 document.”

(Chandra Shekhar Jha, J.)

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