

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68596 of 2022**

Arising Out of PS. Case No.-404 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Vishal Sahani @ Vishal Kumar Son of Bablu Sahni R/V- Balgudar, P.S-
Lakhisarai, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, APP.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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

Lakhisarai Excise P.S. Case No.404c2 of 2022 registered for the

offence under Sections 30(a) and 56(b) of the Bihar Prohibition

and Excise (Amendment) Act, 2018.

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

custody since 12.10.2022.

The allegation against the petitioner is to involve in

illegal trading/manufacturing of foreign liquor, where 16 liters

of IMFL/country made liquor was recovered from the alleged



motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was not made from the physical possession of this petitioner. It is also pointed out that the seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is categorically submitted that investigation in this case is complete for which charge-sheet 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 seizure list appears doubtful, being not supported by independent witnesses 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 Lakhisarai Excise P.S. Case No.404c2 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 Vth Additional District and Sessions Judge-cum-Exclusive Special Court-2 Excise Act, Lakhisarai/concerned Court, subject to the



conditions as laid down u/s 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)

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