

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42406 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- LAKHISARAI District- Lakhisarai

BIRENDRA PRASAD VERMA S/O LATE RAJO VERM @ REJENDRA
PRASAD R/O Village- Sansar Pokhar Ward No.17, P.S- Kabaiya, Distt.-
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Lakhisarai P.S. Case No. 54 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 23.01.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 20 litres of IMFL/country made liquor from



the possession of petitioner.

6. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from an open place as per seizure list, and as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of this petitioner. It is further submitted that seizure list is not supported by independent witnesses, rather by police personnel. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, while opposing the prayer of bail submitted that petitioner found involved in four more criminal cases.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Lakhisarai P.S. Case No. 54 of 2023 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-1st, Lakhisarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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