

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43820 of 2023

Arising Out of PS. Case No.-314 Year-2023 Thana- WAJIRGANJ District- Gaya

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Kailash Kumar Son of Tulsi Yadav R/o Village - Bagai (Jhurang), P.S.-
Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Wajirganj
P.S. Case No. 314 of 2023 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 90 litres of IMFL/country made liquor from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner
submitted that petitioner was not connected in any manner with the
alleged motor-cycle and moreover, he was not found apprehended on
spot and as such, it can be safely gathered that recovery of alleged
illicit liquor was not made from his physical possession. It is



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 petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Wajirganj P.S. Case No. 314 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. 1, Gaya/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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