

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70868 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- RAJAOLI District- Nawada

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Lalan Rajbanshi Son Of Binod Rajbanshi @ Vijay Rajbanshi R/O Village-
Jobkala, P.S.- Rajauli In The District Of Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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 Rajauli
P.S. Case No. 168 of 2021 registered for the offence under
Section 414 of the Indian Penal Code (for short 'I.P.C.') and
under Section 30(a)(d) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.07.2022.

The allegation against the petitioner is to involve in
illegal trade of illicit liquor and found in possession of 60 litres
of country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that petitioner not apprehended on spot and his name appears in this case on the basis of disclosure made by local chaukidar. It is submitted that admittedly, the recovery of alleged country made liquor not appears to be made from the conscious physical possession of this petitioner. While travelling over the argument it is pointed out that petitioner found involved in 11 cases of similar nature and on the basis of suspicion arises out of said criminal antecedents his name was again given by local chaukidar, having otherwise no connecting evidence. It is also submitted that seizure list appearing doubtful for the reason that same is not supported by independent witnesses rather by police personnels. Learned counsel made his statement at bar that petitioner is on bail in five cases out of 11 cases, which is the part of paragraph no. 3 of the present bail petition. While concluding the argument, it has been 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.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of country made liquor not appears



to be made from the conscious physical possession of this petitioner, where seizure list also appears doubtful being not supported by independent witnesses coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajauli P.S. Case No. 168 of 2021 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-2, Nawada/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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