

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63991 of 2024

Arising Out of PS. Case No.-279 Year-2024 Thana- Excise P.S. District- East Champaran

Nandu Das S/o- Jailal Das @ Jaglal Das Resident of Village- Chaita Ward No 06, Police Station - Pakaridayal District- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with Excise (Madhuban) P.S. Case No. 279 of 2024 registered for the offence under Section 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. The petitioner is named in the F.I.R. and is in custody since 26.07.2024.

4. The allegation against the petitioner is to be engaged in illegal trading of illicit liquor, where, there is recovery of 30 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that the fact of this case *prima-facie* suggest that recovery of alleged country-made illicit liquor was not made from conscious physical possession of the petitioner, who is a man of clean antecedent. It is further submitted that seizure list appears doubtful being not



supported by independent witnesses rather by members of raiding party.

6. Learned APP, opposes the prayer of bail.

7. In view of aforesaid facts and submission and by taking note of fact as the recovery of country-made liquor appears prima-facie disputed to be recovered from the conscious physical possession of the petitioner where petitioner is in custody since 26.07.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Excise (Madhuban) P.S. Case No. 279 of 2024 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. 02, East Champaran at Motihari/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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