

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71422 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- GORAUL District- Vaishali

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Nagmani Kumar @ Nagmani Rai Son Of Late Lakhindar Rai Resident Of
Village - Mathna Milik (BEGAMPATTI), P.S. - Gorul (KATHARA O.P.),
District – Vaishali.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 29-02-2024 1. Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Goraul (Kathara
O.P.) P.S. Case No. 34 of 2023, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act.
3. The allegation against above named petitioner is to
involve in illegal trading of illicit liquor, where recovery of 162
litres of illicit liquor was alleged to be recovered from cowshed
of one co-accused, namely, Umesh Das, where near to said
cowshed, motorcycle owned by petitioner was found during



raid.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case. It is further submitted that from the face of the FIR, no *prima facie* case is made out against the petitioner as merely on the basis of fact as motorcycle of petitioner found recovered near to cowshed of co-accused from where illicit liquor was recovered, implication of petitioner was made with present case. It is submitted that this is not a case of recovery of illicit liquor from the conscious physical possession of petitioner and moreover, seizure list witnesses also appearing police personnel and not independent witnesses.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as illicit liquor in issue was recovered from the cowshed of co-accused, where implication only appears out of recovery of motorcycle of petitioner from near to place of recovery, *prima facie* negating possession, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Exclusive Special Excise Court No. 1-cum-Additional District & Session Judge, Vaishali at Hajipur/concerned Court, where the case is pending in connection with Goraul (Kathara O.P.) P.S. Case No. 34 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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