

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8746 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. Md. Sahadat S/o Md. Shokat R/o village- Pokharia, P.S.- Baliya, District- Begusarai
 2. Md. Shamshad S/o Md. Hanif R/o village- Pokharia, P.S.- Baliya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioners seek bail in connection with Excise
Comp. Case No. 141 of 2021 (corresponding to Banka Excise
Case No. 176 of 2021) registered for the offence under Sections
30(a) and 32(3) of the Bihar Prohibition and Excise, 2018.



The accused/petitioners are named in the F.I.R. and are in custody since 15.12.2021.

The allegation against the accused/petitioners is that petitioner no.1 is the driver and petitioner no.2 is the owner of the alleged vehicle from which 94.5 liters of foreign made liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that recovery has not been made from conscious possession of the petitioners and also chargesheet in this case has already been submitted, as such there is no chance of tampering with the evidence. It is further submitted that petitioners are persons with clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that petitioners are persons with clean antecedent.

Considering the facts and circumstances as mentioned above, as recovery has not been made from conscious possession of the petitioners coupled with the fact that petitioners are persons with clean antecedent, let the petitioners, above named, are directed to be released on bail in connection with Excise Comp. Case No. 141 of 2021 (corresponding to Banka Excise Case No. 176 of 2021) on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)
each with two sureties of the like amount each to the satisfaction
of learned Additional District and Sessions Judge-II-cum-
Special Judge, Excise, Banka.

(Chandra Shekhar Jha, J)

Ankit/-

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