

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16883 of 2022

Arising Out of PS. Case No.-544 Year-2021 Thana- GOGRI District- Khagaria

1. Sanjay Kumar Male aged about 45 years S/o Ramchandra Sah R/o village- Jamalpur, Road No. 14, Ward No.- 18, P.S.- Gogri, District- Khagaria
2. Sumit Kumar Male aged about 19 years s/o sanjay kumar r/o village- jamalpur, road no. 14, Ward No.- 18, P.S.- Gogri, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddhartha Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 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 a period
of four weeks from today.

The petitioners seek bail in connection with Gogri P.S.
Case No. 544 of 2021 registered for the offence under Section
30(c) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 20.11.2021.

The allegation against the petitioners is to involve in
manufacturing of illicit liquor, where 200 kg of Salmoc tables,
500 grams of instant dry yeast high sugar and 500 grams of



instant yeast was recovered.

Learned counsel appearing on behalf of the petitioners submitted that the name of the petitioners surfaced on the basis of disclosure made by the co-accused, namely, Gandouri Yadav and also that during the course of investigation, nothing surfaced, which may connect the petitioners with the seized chemicals, which was alleged to be used for the manufacturing of illicit liquor in furtherance of the disclosure of co-accused. It has further been submitted that the seizure list is not supported by the independent witnesses, which creates a doubt. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the name of the petitioners surfaced on the basis of disclosure made by co-accused.

Considering the facts and circumstances as mentioned above, as the name of the petitioners surfaced on the basis of disclosure made by the co-accused, namely, Gandouri Yadav, having nothing to connect the petitioners with the alleged recovery of chemicals alleged to be used for the manufacturing



of illicit liquor coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Gogri P.S. Case No. 544 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 Sessions Judge-II-cum-Special Judge, Excise, Khagaria, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners, duly supported by the documents.



(iii) That one of the bailors shall be
Guddu Kumar Sah, who is the son of the
petitioner no.1 and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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