

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16522 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Perduman Kumar Son of Ramkishun Mahto Resident of village - Raghunandanpur (Chamaripatti), P.S.- Fulwaria, District - Gopalganj
 2. Barun Singh Son of Sambhu Singh Resident of village - Patharwa, P.S.- Tareya Sujan, District - Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, 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 through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Excise Case No. 337 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 23.11.2021.

The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there are recovery of



415.44 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that the recovery has been made from alleged car, which was jointly occupied by the other co-accused persons, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner no.1 is involved in 2 cases and petitioner no.2 is involved in 3 cases, in all the cases, they are on bail. It has further been submitted that there is no compliance of mandatory provision of Section 100 of Cr.P.C., while preparing seizure list. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has been made from jointly occupied car.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail



in connection with Excise Case No. 337 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-IV-cum-Special Judge, Excise, Gopalganj, subject to the following conditions:

“(i) That 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 close relative of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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