

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19300 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- SIRDALA District- Nawada

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1. Nandu Kumar Son of Bhushan Ranbanshi Resident of Village - Badalpur,
P.s.- Narhat, Distt.- Nawada.
 2. Santosh Kumar Son of Prayag Rajbanshi Resident of Village - Badalpur,
P.s.- Narhat, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, 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 Sirdalla
P.S. Case No. 16 of 2022 registered for the offence under
Sections 30(a) and 41 of Bihar Prohibition & Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and
are in custody since 12.01.2022.

The allegation against the petitioners is to involve in
illegal business of illicit liquor, where a total of 42 liters of
country made Mahua liquor was recovered.

Learned counsel appearing on behalf of the petitioners



submitted that the alleged motorcycle, from which the recovery of illicit liquor has been made, was jointly occupied by other co-accused persons, as such, it cannot be said from the conscious physical possession of the petitioners. It is submitted that compliance of Section 100 of Cr.P.C. has not been made. 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 motorcycle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection Sirdalla P.S. Case No. 16 of 2022 with 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 Exclusive Special Excise Court-1, Nawada/concerned Court, 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 Ranjeet Rajbanshi, who is the brother of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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