

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21197 of 2022**

Arising Out of PS. Case No.-208 Year-2021 Thana- MAHESHKHUNT District- Khagaria

1. Vikram Sah S/o Prakash Sah R/o village- Kasmabad, P.S.- Sultanganj, District- Bhagalpur
2. Kiran Devi W/O Vikram Sah r/o village- kasmabad, p.s.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate  
For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      22-07-2022                      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  
Maheshkhunt P.S. Case No. 208 of 2021 registered for the  
offence under Section 30(a) of the Bihar Prohibition and Excise  
(Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and  
are in custody since 11.12.2021.

The allegation against the petitioners is to have in  
possession of 156.6 liters of foreign liquor, which was recovered  
from an auto rickshaw.



Learned counsel appearing on behalf of the petitioner submitted that petitioners are the passengers of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioners are aware of the fact that illicit liquor was loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, 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 petitioners are the passengers of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners, who are the persons of clean antecedent 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 with Maheshkhunt P.S. Case No. 208 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 Special Excise Judge-II, Khagaria/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Gurudev Saw, who is the ‘*saru*’ of petitioner no.1 and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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