

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20871 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- PIPRAHI District- Sheohar

1. Chitranjan Pandit Son of Ganeshi Pandit Resident of Village - Dhankaul, P.S.- Piprahi, Distt.- Sheohar.
2. Ajay Ram Son of Medhu Ram Resident of Village - Dhankaul, P.S.- Piprahi, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. 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 Piprahi
P.S. Case No. 273 of 2021 registered for the offence under
Section 30(A) of Bihar Prohibition and Excise (Amendment)
Act, 2016.

The accused/petitioners are named in the F.I.R., where
petitioner no.1 is in custody since 25.12.2021 and petitioner
no.2 is in custody since 13.01.2022.

The allegation against the petitioners is to involve in
the illegal trading of illicit liquor, where 10 liters of country
made liquor and 300 liters of semi finished liquor was



recovered.

Learned counsel appearing on behalf of the petitioners submitted that, admittedly, the alleged recovery of illicit liquor is made from the hut of co-accused, namely, Ajay Ram and Vijay Ram and the name of the petitioners surfaced merely on the basis of suspicion, being associate of co-accused. It is submitted that, admittedly, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioners. 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 for bail, fairly conceded that recovery of illicit liquor is not from the physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioners, who are 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 Piprahi P.S. Case No. 273 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sheohar/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 Navin Kumar, who is the brother-in-law of petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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