

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22027 of 2022

Arising Out of PS. Case No.-332 Year-2019 Thana- GRIYAK District- Nalanda

1. Ganpat Kumar, Son of Sharvan Singh, Resident of village - Kochgawn, P.S.- Warsaligunj, District - Nawada.
2. Sanni Kumar, Son of Shailendra Singh, Resident of village - Kochgawn, P.S.- Warsaligunj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Giriya (Katrisarai) P.S. Case No. 332 of 2019 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that the police received information about the petitioners indulging in illicit trade of liquor and they have concealed the illicit liquor near the pond of



the petitioners, the said place was searched and total 528.375 litres of India made foreign liquor was recovered.

The learned counsel for the petitioners submits that the petitioners have nothing to do with the recovered liquor as the recovery was made from an isolated place. There is violation of Section 100 (6) of the Code of Criminal Procedure. Nothing has been recovered from the conscious possession of the petitioners and they have been named as accused without any substantive and corroborative material. Learned counsel further submits that the petitioner no.1 is accused in four cases of similar nature and he is on bail in all cases except one. There is one criminal antecedent against the petitioner no.2. Charge sheet has been submitted and the petitioners are in custody since 29.03.2022.

Learned APP opposes the prayer for bail submitting that the petitioners are having criminal antecedents and they are indulging in similar nature of cases time and again.

Having regard to the submissions made hereinabove and considering the fact that the recovery has been made from isolated place and the charge sheet has been submitted in this case and further considering the period of custody of the petitioners, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)



each with two sureties of the like amount each to the satisfaction of learned Special Excise Court, 1st, Biharsharif in connection with Giriyak (Katrisarai) P.S. Case No.332 of 2019, subject to the following conditions :

(i) The bail bonds of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One bailor will be a close relative of the petitioners and another bailor will be the deponent, who has sworn the affidavit.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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