

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21789 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Sanjay Kumar Son of Manager Yadav Resident of Village - Kumhrar, P.S. - Agamkuan, District - Patna.
2. Pranay Kumar son of Nawal Yadav Resident of Village - Mokimpur, P.S.- Barh, District - Patna.
3. Satya Kumar @ Suraj Kumar Son of Pramod Prasad Resident of Village - Jogiya, P.S.- Chandi, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, 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
Durgawati P.S. Case No. 67 of 2022 registered for the offence
under Section 30(a) of Bihar Prohibition Excise Act, 2016,

The accused/petitioners are named in the F.I.R. and
are in custody since 30.03.2022.

The allegation against the petitioners is to have in
possession of 129.60 liters of illicit liquor, which was recovered



from a car bearing Registration no. BR 01 AS 7978.

Learned counsel appearing on behalf of the petitioners submitted that nothing surfaced during the course of investigation, which may suggest that petitioners were aware about the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that alleged recovery of illicit liquor is not from the conscious physical possession of the petitioners rather same is from the dickey of the car. 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 recovery is not from the conscious physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners, rather same is from the dickey of the alleged vehicle coupled with the fact that petitioners are persons of clean antecedent, where chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Durgawati P.S. Case No. 67



of 2022 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 Judge, Excise 2, Kaimur at Bahbhua/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 Vikash Kumar, who is the younger brother of the petitioner no. 2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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