

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23789 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- KHUSRUPUR District- Patna

1. Gautam Kumar Son of Bhuneshwar Ravidas @ Muneshwar Ravidas
Resident of village - Bidhipur, P.S.- Salimpur, District - Patna
2. Chintu Kumar Son of Rajeshwar Ravidas Resident of village - Bidhipur,
P.S.- Salimpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Atul Chandra, 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
Khusrupur P.S. Case No. 9 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 21.01.2022.

The allegation against the petitioners is to involve in
the illegal business of illicit liquor, where 285 liters of country
made liquor and 15 liters of foreign liquor were recovered from



two vehicles.

Learned counsel appearing on behalf of the petitioners submitted that the alleged tempo, from where recovery of illicit liquor was made, was occupied by other co-accused persons, as such, it cannot be said that the recovery is from the conscious physical possession of the petitioners, who, otherwise, are persons of clean antecedent. 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 the alleged tempo/vehicle was 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, who, otherwise, are persons of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Khusrupur P.S. Case No. 9 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, Patna



City/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 Gauri Shankar Kumar, who is the brother of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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