

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24041 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. Rajiv Kumar Son of Late Jay Narayan Ram Resident of Village - Rajopatti, Ward No.- 16, P.S.- Mehsaul O.P., District - Sitamarhi
 2. Sanjay Kumar Son of Bhola Ram Resident of Village - Ratanpur Ward No.- 1, P.S.- Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Case No. C2-88/2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are not named in the F.I.R. and are in custody since 07.03.2022.

The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 246



litres of illicit Nepali liquor.

Learned counsel appearing on behalf of the petitioners submitted that as the petitioners were running from site of seizure on police raid, he was apprehended, on the basis of suspicion and nothing surfaced during course of investigation, which may connect the petitioners with the alleged recovery. It has further been submitted that the petitioners are man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has not been made from physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioners, who are man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let both the petitioners, above named, are directed to be released on bail in connection with Case No. C2-88/2022 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
Exclusive Excise Court No.II, Sitamarhi, 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 Pinku Devi @ Pinku Kumari, who is the wife of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen-

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