

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24299 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- SIRDALA District- Nawada

1. Naresh Rajbanshi Son Of Late Munshi Rajbanshi R/O Village- Manjhbe Dharampur, P.S.- Hisua, District- Nawada
2. Ranjit Rajbanshi Son Of Late Shrichand Rajbanshi R/O Village- Nagban, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Upendra Kumar, 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 Sirdala P.S. Case No. 16 of 2022 registered for the offence under Section 30(a) and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are not named in the F.I.R. and are in custody since 12.01.2022.

The allegation against the petitioner is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 42 litres of country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the recovery cannot be said from conscious physical possession of the petitioners. It has been submitted that mandatory provision of Section 100 of Cr.P.C. has not been complied with, while preparing the seizure list. 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 appearing for the State, opposes the prayer of bail.

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, let both the petitioners, above named, are directed to be released on bail in connection with Sirdala P.S. Case No. 16 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 Exclusive Special
Excise Court No.1, Nawada, 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 Cousin of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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