

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26049 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. Chhotelal Sah Son of Baijnath Sah R/O Village- Lahladpur, P.S.- Janta Bazar, District- Saran At Chapra
2. Papu Sah @ Pappu Sah Son of Ramjatan Sah R/O Village- Dandasapur, P.S.- Janta Bazar, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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 Maharajganj P.S. Case No. 89 of 2022 registered for the offence under Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 29.03.2022.

The allegation against the petitioners is to involve in illegal business of illicit liquor, where 136.960 liters of foreign



liquor was recovered from a vehicle bearing Registration no. BR 04 GA 7798.

Learned counsel appearing on behalf of the petitioners submitted that petitioners are the driver and khalasi of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioners are aware of the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioners. 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 petitioners are the driver and khalasi of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners, who are the 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 Maharajganj P.S. Case



No. 89 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, Siwan/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 Rekha Devi, who is the wife of petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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