

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26465 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- LAUKAHI District- Madhubani

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1. NANDAN SADAY Son of Yogendra Saday Resident of Village - Mahadewa, Police Station- Laukahi, District - Madhubani.
 2. UMESH SADAY Son of Yogendra Saday Resident of Village - Mahadewa, Police Station- Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti

For the Opposite Party/s : Mr. Shyameshwar Dayal

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 Laukahi P.S. Case No.14 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 15.01.2022.

The allegation against the petitioners is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 72 litres of illicit Nepali country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioner was found running away from the place of recovery, was apprehended on the basis of suspicion. It is submitted that recovery of illicit liquor has not been made from the conscious physical possession of the petitioners, as seizure list suggests that recovery was made from open road. It is also submitted that petitioners are man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from road side.

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 Laukahi P.S. Case No.14 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, Jhanjharpur/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.

(iii) That one of the bailors shall be Dukhni Devi, who is the mother of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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