

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26497 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- DUMRA District- Sitamarhi

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1. RAM SAKAL SINGH SON OF RAM SEWAK SINGH RESIDENT OF VILLAGE- KHOPI , P.S- RUNNISAIDPUR , DIST- SITMARHI
 2. RAM BHAROSH SINGH SON OF RAM SEWAK SINGH RESIDENT OF VILLAGE - KHOPI , P.S- RUNNISAIDPUR, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, 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 Dumra P.S. Case No. 126 of 2022 registered for the offence under Section 414 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 21.03.2022.

The allegation against the petitioners is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 207.750 litres of illicit IMFL from 10 wheeler truck and also 6115.950 litres of illicit IMFL from house of the petitioners.

Learned counsel appearing on behalf of the petitioners submitted that petitioner is the owner of the premises, which was rented out to co-accused persons, from where, recovery has been made, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioners. 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 petitioners are owner of the house, which was rented out to the co-accused persons.

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 Dumra



P.S. Case No. 126 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, Court No.1, Sitamarhi/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 Abhinav Kumar, who is the son of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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