

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27409 of 2022**

Arising Out of PS. Case No.-256 Year-2020 Thana- HISUWA District- Nawada

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1. Akash Kumar Son of Sunil Rajwanshi Resident of Village - Khairati Bigaha, P.s.- Hisua, Distt.- Nawada.
  2. Sanni Kumar Son of Rajesh Rajwanshi Resident of Village - Karhara, P.S.- Atari, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Nayan, Advocate  
For the Opposite Party/s : Mr. Akbar Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      15-07-2022                      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 Hisua P.S. Case No. 256 of 2020 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., where petitioner no.1 is in custody since 29.03.2022 and petitioner no. 2 is in 25.03.2022.

The allegation against the petitioners is to involve in illegal business of illicit liquor, where 34 liters of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners were not apprehended on the spot and for the only reason that petitioners are the close relatives of the registered owner of the alleged motorcycle. It is submitted that the name of the petitioner no.2 surfaced on the basis of self confession. It is further submitted that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that petitioner no.2 is a man 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, while opposing the prayer of bail, fairly conceded that recovery is not from the physical possession of the petitioners.

Considering the facts and circumstances as mentioned



above, as recovery is not from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Hisua P.S. Case No. 256 of 2020 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 Judge-I, Nawada, subject to the following conditions:

“(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) 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  
Mina Devi, who is the mother of the  
petitioner no.1 and deponent of the present  
bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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