

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27744 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- RAJAON District- Banka

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1. RAHUL KUMAR Son of Mangan Yadav Resident of Village - Sangaghutiya, P.s.- Bounsi, Distt.- Banka.
 2. Pawan Kumar Son of Chunni Lal Yadav Resident of Village - Gangwara, P.s.- Hansdiha, Distt.- Dumka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Sah, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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 Rajoun P.S. Case No. 81 of 2022 registered for the offence under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 23.02.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 196.5 litres of country made liquor from the car bearing registration no. JH04T0489.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor from the alleged vehicle, which was jointly occupied by other co-accused persons, and as such it cannot be said to be recovered from the conscious physical possession of the petitioners, who are men of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet 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 alleged vehicle was jointly occupied.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Rajoun P.S. Case No. 81 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 Chief Judicial Magistrate, Banka/concerned court,
subject to the conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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