

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27896 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BAUNSI District- Banka

1. Anuj Kumar Tiwari Son of Ramadhin Tiwari R/O- Chas Ward No.-24, P.S.- Chas, District- Bokaro (Jharkhand)
2. Chandan Kumar Son of Balmiki Singh R/O- Karahiya, P.S.- Gahmar, District- Gazipur (U.P.)
3. Devahish Kudu Son of Ajit Kudu R/O- Chas (Baba Nagar), P.S.- Chas, District- Bokaro (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore (App. 100)

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 Bounsi

P.S. Case No. 21 of 2022 registered for the offence under

Section 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 14.05.2021.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 971 litres of IMFL/country made liquor from the truck bearing registration no. UP14CT8801.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is driver of the alleged vehicle and petitioner no. 2 & 3 are passenger, who took lift for a local destination and nothing surfaced during course of investigation which may suggest that petitioners were under knowledge about consignment of illicit liquor. It is submitted that seizure list is disputed as same is not supported by independent witnesses. It is also submitted that petitioners 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 petitioner no. 1 is driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor was not made from the conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has



been submitted, let the petitioners, above named, are directed to be released on bail in connection with Bounsi P.S. Case No. 21 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 2nd Additional District & Sessions Judge-cum-Special Judge, Excise, 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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