

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28687 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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1. Bittu Kumar Son Of Santosh Sah R/O Village- Madhura, Ward No.-07, P.S.- Sour Bazar, District- Saharsa
 2. Amit Kumar Son Of Amarendra Sah R/O Village- Madhura, Ward No.-07, P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seeks bail in connection with
Madhepura Excise P.S. Case No. 88 of 2022 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and is
in custody since 16.03.2022.

The allegation against the petitioners is to have in
possession of 159.750 liters of country made liquor, which was



recovered from a tempo.

Learned counsel appearing on behalf of the petitioners submitted that name of the petitioners surfaced during the course of investigation as a driver of alleged vehicle from where illicit liquor was recovered named this petitioner. It is submitted that it is an admitted position that the no recovery of illicit liquor was made from the possession of the petitioners, who is a man of clean antecedent, it is submitted that 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 appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioners as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, is directed to be released on bail in connection with Madhepura Excise P.S. Case No. 88 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Addl. Sessions Judge 4th ,cum Special Judge, Excise Act,
Madhepura City/concerned Court, subject to the following
conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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