

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31413 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

1. UMESH SINGH S/o Umashankar Singh Resident of Village- Sahdulapur, P.S.- Ganga Bridge, District- Vaishali.
2. SUMIT KUMAR DAS S/o Lala Das Resident of Village- Sahdulapur, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2022 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 seek bail in connection with Industrial
Area P.S. Case No. 42 of 2022 registered for the offence under
Sections 30(a), 32(i)(ii), 36, 41(i)(ii) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 08.03.2022.

The allegation against the petitioners are to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 6347.46 litres of IMFL/country made liquor from the trucks.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from the alleged vehicle, which was jointly occupied and as such it cannot be said to be recovered from the conscious physical possession of the petitioners, who are men of clean antecedent. It is also submitted that similarly situated co-accused person namely, Sudhir Kumar, has already been granted bail by this Court through Cr. Misc. No. 30684 of 2022 dated 06.08.2022. 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 the fact that recovery of illicit liquor is made from the alleged vehicle.

Considering the facts and circumstances as mentioned above, as 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 both the petitioners, above named, are



directed to be released on bail in connection with Industrial Area
P.S. Case No. 42 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 Exclusive Special
Excise Court No. 1-cum- Additional Sessions Judge, Vaishali at
Hajipur, subject to the conditions as mentioned under Section
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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Minu/-

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