

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29875 of 2022**

Arising Out of PS. Case No.-27 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Araria

- 
1. ROHIT ROY Son of Sudarshan Ray Resident of Village - Prakash Nagar, Ward No.43, Silliguri, P.s.- Bhakti Nagar, Dsitt.- Darjelling (West Bengal).
  2. KAMLESH KUMAR MANDAL Son of Late Ramlakhan Mandal Resident of Village - Fulkahi, Ward No.13, P.S.- Fulparas, Distt.- Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate  
For the Opposite Party/s : Mr.Tarun Prasad Mandal, 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 Sadar Circle Excise Case No. 27 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the prosecution report and are in custody since 08.03.2022.

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



recovery of 338.625 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from vehicle which was jointly occupied. It is submitted that recovery is not made from conscious physical possession of the petitioners, who are men of clean antecedent. It has been submitted that investigation is complete.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been 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 Sadar Circle Excise Case No. 27 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 Spl. Judge Excise-II, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

