

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31234 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- BIHPUR District- Bhagalpur

1. AMARIKA SINGH SON OF PARMESHWER SINGH R/O VILLAGE-TILLATER, P.S.- PARIHAT, DISTRICT- GODDA (JHARKHAND)
2. SHIV SANKAR KUMAR SON OF RADHEY SHYAM MAHTO R/O VILLAGE- BHATINE, P.S.- HASDIHA, DISTRICT- DUMKA (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2022 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 Bihpur (Jhandapur) P.S. Case No. 191 of 2022 registered for the offence under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 18.04.2022.

The allegation against the petitioners is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 74.31 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is driver and petitioner no.2 is cleaner of the alleged vehicle, from where, recovery has been made. It is also submitted that the said vehicle was jointly occupied by other co-accused persons, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioners. It is also submitted that the petitioners are man of clean antecedent. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 was made from jointly occupied vehicle.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioners, who are man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named,



are directed to be released on bail in connection with Bihpur (Jhandapur) P.S. Case No. 191 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 A.D.J. IX-cum-Special Judge (Excise), Bhagalpur/concerned court, subject to the conditions, as mentioned in Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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