

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34332 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- SURSAND District- Sitamarhi

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1. Rekha Devi Wife Of Dinesh Sah R/O Village- Banauli, P.S.- Sursand, District- Sitamarhi
 2. Sunil Kumar Son Of Dinesh Sah R/O Village- Banauli, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-08-2022 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 Sursand P.S. Case No. 104 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 F.I.R. and are in custody since 05.03.2022.

The allegation against the petitioners are to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 60.6 Nepal liquor.

Learned counsel appearing on behalf of the petitioners



submitted that recovery of illicit liquor is made from the open place behind the house of the petitioners, which is accessible by general public, where nothing incriminating recovered from the conscious physical possession of the petitioners, who are men of clean antecedent. It is submitted that investigation is complete, where charge-sheet has been submitted.

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 Sursand P.S. Case No. 104 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 2nd, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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