

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43381 of 2021**

Arising Out of PS. Case No.-320 Year-2021 Thana- BARACHATTI District- Gaya

1. MANOJ KUMAR SINGH S/o Late Nageshwar Singh Resident of Village- Chandauli, P.S.- Kasma, District- Aurangabad.
2. Monu Kumar Gupta S/o Late Sunil Prasad Gupta Resident of Village- Rafiganj, P.S.- Rafiganj, District- Aurangabad.
3. Jitendra Kumar S/o Nandu Thikedar Resident of Village- Haspura, P.S.- Badshahpur, District- Gurgaon (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 15-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and
Ms. Anita Kumari Singh, the learned APP for the State.

The petitioners seek regular bail in connection with Barachatti PS case no. 320 of 2021 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding a car having been apprehended by the police, from which the petitioners were



arrested, however upon search, no illicit liquor was recovered. It appears that subsequently, a container (truck) had arrived from behind which was stopped by the police force and upon search, 6000 liters of illicit English liquor was recovered and two accused persons namely Surendra Singh and Sanjay Kumar were arrested. It is alleged that the petitioners were escorting the said container (truck).

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 03.06.2021. The learned counsel for the petitioners has further submitted that no illicit liquor has been recovered either from the conscious possession of the petitioners or from their car and the illicit liquor has been recovered from a container (truck) with which they have no connection, hence as far as the petitioners are concerned, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered either from the conscious possession of the petitioners or from their car, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of S.D.J.M. Daudnagar, Aurangabad in connection with Barachatti PS case no. 320 of 2021.

(Mohit Kumar Shah, J)

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