

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35527 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- SAHPUR District- Patna

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1. CHINTA DEVI WIFE OF ANIL RAI Resident of village- Nurpur, Chandmari, P.s.- Shahpur, District- Patna.
 2. PRINCE KUMAR SON OF ANIL RAI Resident of village- Nurpur, Chandmari, P.s.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-08-2022 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 Shahpur
P.S. Case No. 198 of 2022 registered for the offence under
Sections 30(a) / 32(iii)/41 of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 03.05.2022.

The allegation against the petitioners is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 330



litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioners submitted that recovery has been made from jointly occupied house, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that the petitioners are man of clean antecedent, where, petitioner no.1 is a lady. 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 house.

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 Shahpur P.S. Case No. 198 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 Special
Excise Judge, Danapur, Patna/concerned court, subject to the
condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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