

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37117 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- MARANCHI District- Patna

1. KAPU KUMAR @ KAPPU KUMAR Son of Bishun Yadav @ Bishun Rai Resident of village - Bakshi Maidan, P.S.- Chauk, District - Patna.
2. Pappu Kumar Son of Bishun Yadav @ Bishun Rai Resident of village - Bakshi Maidan, P.S.- Chauk, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 Heard learned counsel appearing on behalf of the petitioner 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 petitioner seeks bail in connection with Maranchi (Pachmahala O.P.) P.S. Case No. 65 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 is in custody since 04.05.2022.

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



there is recovery of 66 litres of IMFL/country made liquor from the railway track.

Learned counsel appearing on behalf of the petitioners submitted that the recovery of illicit liquor was made from an open place as railway track and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioners. While concluding the argument, it has been submitted that the petitioner no.-1 is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was made from the railway track, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from an open place and not from the conscious physical possession of the petitioners, where petitioner no.-1 is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maranchi (Panchamahla O.P.) P.S. Case No. 65 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court Excise, Barh, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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