

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36516 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- GALGALIYA District- Kishanganj

1. MUKESH KUMAR S/O LATE ARJUN THAKUR Resident of Jhanjhat, P.S.- Pupri District- Sitamadhi.
2. MD. AFTAB S/O LATE AJAJ Resident of Jhanjhat, P.S.- Pupri District- Sitamadhi.
3. SHYAM KUMAR S/O RAMDAYAL SAH Resident of Patlukka, P.S.- Nanpur, District- Sitamadhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Galgalia
P.S. Case No.29 of 2022 registered for the offence under
Sections 30(a)/41(1) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioners are named in the F.I.R. and is
in custody since 16.06.2022.

The allegation against the petitioners are to be



engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 208.770 litres of IMFL/country made liquor from the alleged Xylo Car.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from the jointly occupied Xylo Car and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioners, who are a man of clean antecedent. While concluding the argument, it has been submitted that petitioners are a man of clean antecedent and moreover, investigation 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 alleged Xylo Car is jointly occupied, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioners, who are 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 Gangalia P.S. Case No. 29 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 Court of Additional District and Sessions Judge-II, Special Judge (Excise), Kishanganj/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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