

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38296 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- BARUN District- Aurangabad

1. BITTU KUMAR SON OF SAHENDRA SINGH RESIDENT OF VILLAGE- JANPUR, P.S.- BARUN, DISTRICT- AURANGABAD
2. RANJAN KUMAR SON OF BABAN SINGH RESIDENT OF VILLAGE- JANPUR, P.S.- BARUN, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Chandra Bhaskar, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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 Barun
P.S. Case No. 208 of 2022 registered for the offence under
Sections 341, 323, 324, 34 and 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 01.06.2022.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 25 litres of IMFL/country made liquor from an open
place.

Learned counsel appearing on behalf of the petitioners



submitted that the recovery of alleged illicit liquor was made from the front of the house of one Nilam Devi i.e. from an open place which is not connected in any manner with the petitioners. Admittedly, recovery was not from their physical possession. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, is directed to be released on bail in connection with Barun P.S. Case No. 208 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 Special Judge Excise-1, Aurangabad/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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