

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37907 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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1. Ravi Biswakarma S/o Dhanbahadur Vishwakarma Resident of Village- Jaigaon, P.s.- Alipur Dwar (Jaigaon), District- Alipur Dwar West Bengal
 2. Ranjan Jaiswal S/o Kailash Chaudhary Resident of Village- Jaigaon Ward No.11/13, P.S.- Alipur Dwar (Jaigaon), District- Alipur Dwar West Bengal
 3. Bikash Sah S/o Suresh Sah Resident of Village- Hasimara, P.S.- Hasimara, District- Alipur Dwar West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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 Excise
Case No. 183 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioners are in custody since
04.03.2022.

The allegation against the petitioners is to involve in



the illegal business of illicit liquor, where 127.500 liters of foreign liquor was recovered from a car bearing Registration no. WB 70 N 1634.

Learned counsel appearing on behalf of the petitioners submitted that recovery was made from a vehicle and nothing surfaced during the course of investigation, which may connect the petitioners with the alleged recovery of illicit liquor, as such, it cannot be said to be recovered from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners, who are the persons of clean antecedent, let the petitioners, above named, are directed to be released on bail in connection with Excise Case No. 183 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 Judge, Excise, Court No.2, Supaul/concerned Court, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Kailash Chaudhuri, who is the father of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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