

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39507 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. Kashmir Singh Son of Dayanand Singh Resident of village - Ajayab, P.S.- Mame, Dist.- Rohtak (Haryana)
2. Deepak Son of Ramesh Kumar Resident of Village - Laihratha, P.S.- Sadar Sonipat, Dist.- Sonipat (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP 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 Chhapra Muffassil P.S. Case No. 259 of 2022 registered for the offence under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

The accused/petitioners are named in the F.I.R. and are in custody since 12.04.2022.

The allegation against the petitioners is to have in possession of 1651.320 liters of foreign liquor, which was



recovered from a container.

Learned counsel appearing on behalf of the petitioners submitted that petitioners are not connected, in any manner, with the alleged container, from which the recovery of illicit liquor was made. It is submitted that name of the petitioners surfaced on the basis of input provided by local spy. It is further submitted that this is not a case of recovery of illicit liquor 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 for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that recovery of illicit liquor was not made from the physical possession of the petitioners.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioners, who are the persons of clean antecedent coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in



connection with Chhapra Muffassil P.S. Case No. 259 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 Additional District Judge-II-cum-Special Judge,
Excise, Saran at Chapra/concerned Court, subject to the
conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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