

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40322 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- NASRIGANJ District- Rohtas

1. BIRENDRA NAT S/o Rupchand Nat R/o village Bardiha, P.S.- Nasriganj, District- Rohtas, Bihar
2. Kundan Nat S/o Birendra Nat R/o village Bardiha, P.S.- Nasriganj, District- Rohtas, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-08-2022 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 Nasriganj P.S.
Case No. 72 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 are in
custody since 09.06.2022.

The allegation against the petitioners is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 26.775 litres
of illicit liquor.

Learned counsel appearing on behalf of the petitioners



submitted that recovery has been made from house of the petitioners, in their absence. It is also submitted that the said house of the petitioner are jointly occupied, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioners. It is also pointed out that the petitioners are man of clean antecedent.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor has not been made from physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioners, who are man of clean antecedent, let both the petitioners, above named, are directed to be released on bail in connection with Nasriganj P.S. Case No. 72 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 and Sessions Judge-XIII-cum-Exclusive Special Excise Court-II, Rohtas, Sasaram/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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