

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43412 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- FATUA District- Patna

1. Tutu Kumar Son of Bind Ray Resident of Village - Sarbahanpur, P.s.- Fatuha, Distt.- Patna.
2. Ram Pravesh Rai Son of late Sukhu Ray Resident of Village - Sarbahanpur Akhariya, P.s.- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-09-2022 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 Fatuha
P.S. Case No. 412 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 11.06.2022.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 1071 litres of IMFL/country made liquor from the



place of occurrence.

Learned counsel appearing on behalf of the petitioners submitted that petitioner No. 1 is the driver of alleged vehicle having no knowledge to carry consignment of illicit liquor and further the recovery of 936 litres of illicit liquor which was made from the house of petitioner No. 2 is jointly occupied by the family members and as such cannot be said that these two recoveries were made from conscious physical possession of petitioners. It is submitted by learned counsel that petitioner No. 2 is a man of clean antecedent and petitioner No. 1 though, involved in one criminal case, where he is on bail. 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 alleged illicit liquor not appears from conscious physical possession of petitioners coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Fatuha P.S. Case No. 412 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 Special Judge, Excise, Patna City/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Pooja/-
Archana/-

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