

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43212 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- AGAMKUAN District- Patna

1. Ram Sagar Patel @ Ram Sagar Mahto Son Of Late Laxman Patel R/O Village- Ghataro, P.S.- Kartaha, District- Vaishali
2. Ketul Kumar Son of Ram Sagar Patel @ Ram Sagar Mahto R/O Village- Ghataro, P.S.- Kartaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 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
Agamkuan P.S. Case No. 227 of 2022 registered for the offence
under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 19.03.2022.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 80.250 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners



submitted that recovery of alleged illicit liquor was made from jointly occupied motorcycle and as such it cannot said to be recovered from conscious physical possession of the petitioners, who are men of clean antecedent. It has been submitted that investigation is complete, where charge-sheet has been submitted.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Agamkuan P.S. Case No. 227 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, Patna City/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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