

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43650 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- GHOGHARDIHA District- Madhubani

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1. MD. SAJJAD Son of Md. Ali Hasan Resident of Village - Bochahi, P.S.- Madhepur, District - Madhubani.
 2. Md. Shahid Son of Md. Allauddin @ Lalu Resident of Village - Bochahi, P.S.- Madhepur, District - Madhubani.
 3. Md. Izahar Son of Md. Gulam @ Gulam Rasul Resident of Village - Bochahi, P.S.- Madhepur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Ms.Anita Kumari, 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

Ghoghardiha P.S. Case No. 56 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 01.06.2022.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 89.100 litres of Nepali 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 be said to be recovered from conscious physical possession of the petitioners. It is submitted that seizure list appears to be doubtful, as same is not supported by independent witnesses, as name of the witnesses appears to be home-guard personnel, where petitioners are men of clean antecedent. It is categorically stated that learned counsel for the petitioners that charge-sheet has been submitted in this case.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears to be doubtful as same is not supported by independent witnesses 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 Ghoghardiha P.S. Case No. 56 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 Act, Jhanjharpur, Madhubani/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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