

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43721 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- NIRMALI District- Supaul

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1. Bikram Roy @ Bikrant Roy S/o Ram Babu Roy R/o village- Laxminiya, P.S.- Kishanpur, District- Supaul
 2. Ranjeet Roy @ Ranjeet Kumar Ray S/o Anil Roy R/o village- Majhari, P.S.- Nirmali, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 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 Nirmali P.S. Case No. 1 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 18.05.2022.

The allegation against the petitioners is to involve in the illegal trading of illicit liquor, where a total of 3524.58 liters



of illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that name of the petitioners surfaced on the basis of confessional statement of co-accused, namely, Santosh Kumar Jha and in furtherance of the said confessional statement, nothing incriminating recovered/surfaced during the course of investigation, which may connect the petitioners, *prima facie*, with the alleged recovery of illicit liquor. 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 opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said to be 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 the petitioner, above named, is directed to be released on bail in connection with



Nirmali P.S. Case No. 1 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, Court No.2, Supaul/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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