

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45055 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- BYPASS District- Patna

1. Ram Dulare Kumar @ Ram Dulare Son of Lakhan Kewat In Front of Pani Tanki, Near Aaganbari, P.S.- Bypass, District- Patna
2. Raushan Kumar Son of Bechan Kewat R/O Karmalichak, Purvi Bagicha, P.S.- Bypas, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kritu Verma, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2022 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 Bypass P.S. Case No. 211 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 is in custody since 05.06.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor,



where, there is recovery of 141 litres of IMFL/country made liquor from the place of occurrence.

Learned counsel appearing on behalf of the petitioners submitted that the recovery of illicit country made liquor was made from an open field, which is not connected in any manner with these petitioners and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, 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 was not made from the conscious physical possession of this petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, is directed to be released on bail in connection with Bypass P.S. Case No. 211 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



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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