

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45429 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

-
1. Maikal Kumar Son of Ramdev Yadav R/O Vill.- Sara Mohanpur, P.S.- Sadar,
District- Darbhanga
 2. Jay Prakash Kumar Son of Jharilal Yadav R/O Vill.- Sara Mohanpur, P.S.-
Sadar, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Sinha, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-09-2022 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 Excise P.S.
Case No. 115 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 06.07.2022.

The allegation against the petitioners is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 48 litres of
illicit liquor.

Learned counsel appearing on behalf of the petitioners
submitted that recovery of alleged illicit liquor was not made from



the conscious physical possession of these petitioners as alleged bag containing illicit liquor was not connected in any manner with present petitioners. It is further submitted that seizure list appears disputed on its face, as same is not supported by independent witnesses. Petitioners are men of clean antecedent and moreover, it has been submitted that investigation of this case is complete, where 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 seizure list appears doubtful coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, is directed to be released on bail in connection with Excise P.S. Case No. 115 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 Additional Sessions Judge–II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

