

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45477 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Aaditya Raj Son of Nand Lal Gupta R/O Village- Dharhara Ara, P.S.- Town,
District- Bhojpur (Ara)
 2. Mritunjay Kumar Son of Bijendra Prasad R/O Village- Big (Jaj) Bazar,
Bihiya, P.S.- Bihiya, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-09-2022 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. 427 of 2022 registered for the offence under
Sections 30(a) and 56(b) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioners are named in the F.I.R. and in
custody since 22.06.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 432 litres of IMFL/country made liquor from vehicle.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from vehicle which was jointly occupied and as such it cannot be said to be recovered from conscious physical possession of the petitioners, where petitioner no.2 is a man of clean antecedent. While concluding the argument, it has been categorically submitted that investigation of this is complete, where charge-sheet has been submitted, as such, there is no chance of tempering 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 conscious physical possession of the petitioners, where petitioner no.2 is a man 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 Excise P.S. Case No. 427 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/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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