

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47485 of 2022

Arising Out of PS. Case No.-488 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. Kishan Kumar Choudhary Son of Ram Chandra Chaudhary R/O Village- Harpur Osti, P.S.- Mahua, District- Vaishali
 2. Mithun Kumar Son of Devendra Paswan R/O Village- Chakka Ji Nijam, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-09-2022 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. 488 of 2022 registered for the offence under
Sections 30(a), 36, 32(3) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 09.06.2022.

The allegation against the petitioners is to be engaged
in illegal trading of toddy, where, there is recovery of 250 litres



of toddy from vehicle.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner No. 1 was co-passenger, as he took a lift for local destination, whereas petitioner No. 2 was involved in loading and unloading of toddy, as engaged labour and, as such, it cannot be said that recovery of toddy was made from the conscious physical possession of these petitioners. It is further submitted that seizure list is disputed, as same is not supported by independent witnesses, rather same is supported by police personnel of Excise department itself. Petitioners are men of clean antecedent and moreover, investigation of this case 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 seizure list appears doubtful being not supported by independent witnesses 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. 488 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 Exclusive Special Judge (Excise) Court No. II, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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