

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48417 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- BEERPUR District- Begusarai

1. Sonu Kumar @ Sonu Kumar Singh Son of Krishnandan Singh R/O Village- Barhpur, Madhurapur, Ward No.-1, P.S.- Mokama, District- Patna
2. Lalan Kumar Singh Son of Brajesh Singh R/O Village- Barhpur, Madhurapur, Ward No.-1, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmod Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-09-2022 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 Birpur P.S.
Case No. 109 of 2021 registered for the offence under Sections
30(a)/41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are not named in the F.I.R.,
where petitioner No. 1 is in custody since 25.07.2022 and petitioner
No. 2 is in custody since 23.07.2022.

The criminal antecedent of both the petitioners to be read
in terms of supplementary affidavit dated 26.09.2022. A hard copy
of supplementary affidavit filed today before the Court itself, and



same is taken on record. In terms of supplementary affidavit petitioner No. 1 involved in two (2) criminal cases, whereas petitioner No. 2 involved in three (3) criminal cases.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 4338 litres of IMFL/country made liquor from the alleged pickup van..

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioners surfaced on the basis of disclosure made by driver of the alleged vehicle. It is further submitted that both petitioners are not connected with alleged vehicle in any manner, admittedly, it is not a case of recovery from conscious physical possession of these petitioners. It is categorically submitted that after completion of investigation, charge-sheet has been submitted, and 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 cannot be said to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Birpur P.S. Case No. 109 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Court of Exclusive
Excise Court No.-I, Begusarai/concerned court, subject to the
conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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

