

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50177 of 2022

Arising Out of PS. Case No.-347 Year-2022 Thana- FATEHPUR District- Gaya

1. SINTU KUMAR Son of Preman Prasad Yadav Resident of Village - Purani Bathan, P.S. - Fatehpur, District - Gaya.
2. Pintu Kumar Son of Prasadi Yadav Resident of Village - Ragaini, P.S. - Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh
For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-09-2022 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 Fatehpur
P.S Case No. 347 of 2022 registered for the offence under Sections
414 and 34 of the Indian Penal Code and Section 30(a) and 32(2)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are
in custody since 14.06.2022.

The allegation against the petitioners is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 142.875
litres of IMFL.

Learned counsel appearing on behalf of the petitioners



submitted that recovery of alleged illicit liquor was made from dicky of car, where, nothing surfaced, during course of investigation, which may suggest that these petitioners were under knowledge as regard to consignment of illicit liquor. It is also submitted that the seizure list is also disputed as same is not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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 disputed coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Fatehpur P.S Case No. 347 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 and Excise Court No. 1, Gaya 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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