

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51498 of 2022**

Arising Out of PS. Case No.-71 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Nikesh @ Nikku Son of Indrajeet Resident Of Village- Bupaniya, P.S.- Badli, District- Jhaijar (Haryana)
 2. Sunil @ Bachhi Son of Satveer Resident Of Village- Bupaniya, P.S.- Badli, District- Jhaijar (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 12-10-2022 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. 71 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 08.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 351.00 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner no. 1 is owner-cum-driver whereas, petitioner no. 2 is co-passenger. It is further submitted that alleged vehicle was jointly occupied and as such it can be safely gathered that recovery of alleged illicit liquor was not made from conscious physical possession of petitioners. It is also pointed out that seizure list appears disputed as same is not supported by independent witnesses, rather by excise police personnels. While concluding the argument, it has been submitted that investigation of this case has been completed, 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 disputed 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. 71 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Additional District and Sessions Judge 4th cum-Special Judge, Excise Gopalganj/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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