

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51709 of 2022**

Arising Out of PS. Case No.-317 Year-2022 Thana- MURLIGANJ District- Madhepura

1. Akhilesh Kumar Son of Congress Yadav R/O Village- Sapha, P.S.- Mahesh Khunt, District- Khagaria
2. Devi Lal Son of Vinod Yadav R/O Village- Sapha, P.S.- Mahesh Khunt, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mrs. Rita Verma, 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.

At the outset, learned counsel for the petitioner  
submitted that inadvertently, Para 1 in the bail petition has been  
wrongly typed.

Accordingly, learned counsel for the petitioner is  
permitted to make necessary correction, during the course of the  
day itself.

The petitioners seek bail in connection with Murliganj  
P.S. Case No. 317 of 2022 registered for the offence under



Section 30(a), 32(i)(ii), 36 and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 06.07.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 267.750 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioner not apprehended on spot and admittedly, the recovery of illicit liquor was not made from his physical possession. Petitioners are men of clean antecedent and moreover, it is 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 recovery of illicit liquor has not been made from the conscious physical possession of the petitioners, who are men 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 Murliganj P.S. Case No. 317 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 Sessions Judge-V-cum-Special Judge, Excise-Ist, Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

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