

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51909 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. Brajesh Kumar Son of Kanti Bhagat R/O Village- Dhoshaun, P.S.- Siwai Patti, District- Muzzafarpur
2. Ranjan Mahato Son of Late Daroga Mahato R/O Village- Tariyani Chhapra, P.S.- Chhapra, District- Shivahar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-10-2022 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
Mohammadpur P.S. Case No. 157 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 11.07.2022.

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



was recovery of 423.9 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 1 is the driver whereas, petitioner no. 2 is the passenger of the Bolero, who took a lift for a local destination. It is further submitted that nothing incriminating material surfaced during the course of investigation which may suggest that petitioners were under knowledge to carry consignment of illicit liquor and as such it can be safely gathered that alleged recovery of illicit liquor was not made from conscious physical possession of these petitioners, who are men of clean antecedent and moreover, 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 not appears from conscious physical possession of these petitioners 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 Mohammadpur P.S. Case No. 157 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
ADJ-II cum Special Excise Judge Court No. 1,
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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