

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52179 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

1. Ali Ahmad @ Md. Ali Ahmad Son Of Md. Shafik R/O Village- Jatmalpur, P.S.- Kalyanpur, District- Samastipur
2. Pramod Kumar Son Of Ramjee Sah R/O Village- Jatmalpur, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State
through virtual court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioners seek bail in connection with Bchahan P.S.
Case No. 245 of 2022 registered for the offence under Section 414 of
the Indian Penal Code under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and in
custody since 08.06.2022.

The allegation against the petitioners is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 136.440 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioners submitted that both petitioners not apprehended on spot and they are not connected in any manner either with alleged vehicle or with alleged recovered illicit liquor. It is further submitted that admittedly, recovery of illicit liquor was not made from 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 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 Bchahan P.S. Case No. 245 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 Special Excise Court-I, Muzaffarpur/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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