

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51913 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- NOORSARAI District- Nalanda

1. Guddu Kumar Ray S/O Hari Nath Ray Resident of village- Nonpur, P.S.- Sadar, Hajipur, District- Vaishali at Hajipur.
2. Ranjeet Kumar S/O Raj Kumar Ray resident of village- nonpur, p.s.- Sadar, Hajipur, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. 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 Noorsarai
P.S. Case No. 260 of 2022 registered for the offence under
Section 30(a)/ 32(i) (ii)/36/41 (I) (ii) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 13.07.2022.

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



was recovery of 250.56 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that both petitioners are driver and co-driver of alleged vehicle from where recovery of illicit liquor was alleged to be made. It is further submitted that alleged vehicle at the time of recovery was jointly occupied and furthermore, nothing surfaced during the course of investigation which may suggest that petitioners were aware about carrying consignment of illicit liquor and as such it can be safely gathered that the recovery of illicit liquor was not made from conscious physical possession of these petitioners. 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 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 Noorsarai P.S. Case No. 260 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 A.D.S.J.Ivth-cum-Spl. Judge Excise, IInd Nalanda/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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