

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52778 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- CHAKAI District- Jamui

1. Swatantra Raj @ Sawan Kumar @ SAWAN Son of Punjay Singh @ Punjay Kumar Singh @ Dharmendra Kumar R/V- Korai, P.S- Gadhpora, Dist- Begusarai
2. Raja Kumar Son of Umesh Sao @ Umesh Sah @ Umesh Kumar R/V- Korai, P.S- Gadhpora, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-10-2022 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 Chakai P.S.
Case No. 183 of 2022 registered for the offence under Sections 272,
273, 34 of the Indian Penal Code and 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 06.08.2022.

The allegation against the petitioners is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 153.75 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners



submitted that recovery of alleged illicit liquor was made from jointly occupied car and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of these petitioners. It is further submitted that seizure list appears disputed as same is not supported by independent witnesses rather by police personnels. While concluding the argument, it has been submitted that petitioners 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 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 Chakai P.S. Case No. 183 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 Exclusive Excise Court-I, Jamui/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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