

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53198 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- LAKHNAUR District- Madhubani

1. Ajeet Kumar S/O Nagendra Prasad Yadav Resident of village- Biharpur, P.S.- Lakhnour, District- Madhubani.
2. Ramakant Raman S/O Chandeshwar Yadav resident of village- biharpur, p.s.- Lakhnour, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-10-2022 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 Lakhnaur P.S.
Case No. 139 of 2022 registered for the offence under Sections 429,
467, 468, 471, 120(B) and 34 of the Indian Penal Code and under
Sections 30(A), 32(i)(ii), 36 and 41(I) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in
custody since 15.07.2022.

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



recovery of 1790.390 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioners having of no concern with alleged pick up van from where, alleged illicit liquor was recovered and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of these petitioners. . While concluding the argument, 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 was not made from the conscious physical possession of the 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 Lakhnaur P.S. Case No. 139 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 Special Judge, Excise Act, Jhanjharpur/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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