

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53159 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Sharvan Kumar Son of Sunil Sahni Resident of Village - Machhua Toli
Balgudar, P.S.- Lakhisarai, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 53741 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Deepak Kumar Son of Sakaldeo Mandal Resident of Village - Beldaur Ward
No.21, P.S.- Beldaur, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 53159 of 2022)

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 53741 of 2022)

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Since both the applications arise out of from Excise

P.S. Case No. 178c2 of 2022, as such, they have been taken up

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Excise P.S. Case No. 178c2 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information about manufacturing of country made liquor in village Balgudar on the bank of the river Harohar. A raid was conducted and five persons including the petitioners were apprehended. Recovery of 200 litres of *Mahua* apart from 5000kg fermented *Jawa Mahua* was made.

The learned counsel for the petitioners submits that the petitioner are innocent and have been falsely implicated in this case. Nothing has been recovered from their conscious possession and they have nothing to do with the manufacturing of the liquor. The petitioners are fishermen and they earn their livelihood by selling fish, they are not involved in the trade of liquor. The petitioners are in custody since 08.07.2022 and charge-sheet has been submitted. The petitioners have no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and further considering the fact that no specific recovery has been shown from them and further considering their clean antecedent along with their period of custody and the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned V- Additional District and Sessions Judge-cum-Exclusive Special Court and Excise Act, Lakhisarai in connection with Excise P.S. Case No. 178c2 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) One of the bailors will be close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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