

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56063 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- KINJAR District- Jehanabad

1. Sanjeev Kumar @ Dilawar @ Rishi S/O Dilip Kumar Ram Resident Of Village- Dayalpur, P.S.- Hilsa, District- Nalanda.
2. Kundan Kumar @ Indal S/O Lal Babu Yadav Resident of Village- Dayalpur, P.S.- Hilsa, District- Nalanda.
3. Pawan Kumar S/O Madheshwar Prasad Singh Resident of Village- Rakasa, P.S.- Akangarsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 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 Kinjar
P.S. Case No. 78 of 2022 registered for the offence under
Section 420 of the Indian Penal Code and under Sections 30(a),
32(ii), 32(iii) and 41(i)(ii) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioners are named in the F.I.R. and in
custody since 22.07.2022.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 532.44 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from a chain of vehicles, where 48.6 litres was recovered from the vehicle which was jointly occupied by the petitioners out of total recovered quantity of 532.44 litres. It is further submitted that petitioner no. 3 is driver of the alleged vehicle, where petitioner no. 1 and 2 are passengers who took a lift for a local destination, where nothing surfaced, during the course of investigation, which may suggest that petitioners were aware about the consignment of illicit liquor and, as such, it cannot not be said that recovery of illicit liquor was made from the conscious physical possession of these petitioner, who are men of clean antecedent. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering 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, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted where seizure list appears doubtful, let all the petitioners, above named, are directed to be released on bail in connection with Kinjar P.S. Case No. 78 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 Court Excise, Jehanabad/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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