

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56407 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- MAJORGANJ District- Sitamarhi

1. Arpan Kumar S/o Uma Shankar Singh Resident of Village- Kharsan, P.S.- Riga, Distt- Sitamarhi.
2. Shrawan Ram S/o Sri Lakhindra Ram Resident of Village- Kharsan, P.S.- Riga, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, 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
Mejorganj P.S. Case No. 183 of 2022 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and is
in custody since 07.07.2022.

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



recovery of 294 litres of IMFL/country made liquor from the alleged auto rickshaw.

Learned counsel appearing on behalf of the petitioners submitted that the recovery of alleged illicit liquor was made from an auto rickshaw, which was used as a public carrier and accessible by general public, where petitioner no. 1 is the passenger and petitioner no. 2 is the driver of the said auto rickshaw. It is further submitted that the seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that the petitioner no. 1 involved in one case related with matrimonial dispute, whereas the petitioner no. 2 is a man of clean antecedent and moreover, investigation has been completed, for which, 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 alleged illicit liquor was not made from the conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let both petitioners, above named, are directed to be released on bail in connection with Majorganj 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 Court of Exclusive Special Excise Court-I, Sitamarhi/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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