

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55404 of 2022

Arising Out of PS. Case No.-282 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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1. Rajesh Thakur Son Of Rajendra Thakur R/O Village- Agnur, P.S.- Kaler, Distt.- Arwal
 2. Om Prakash Son Of Shyam Nandan Sharma R/O Village- Sonbhadra, P.O.- Sonbhadra, P.S.- Banshi, Distt.- Arwal
 3. Alok Prakash Son Of Raj Kishore Prasad R/O Village- Barh Bazar, P.S.- Barh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Excise
Case P.R. No. 282 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the prosecution
report and in custody since 24.08.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 118.70 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from dickey of the alleged car, where nothing surfaced, during the course of investigation, that the petitioners were under knowledge to carry this consignment. It is submitted that petitioner no.1 is a driver of alleged car, whereas petitioner no. 2 and 3 took a lift for a local destination. It is further submitted that alleged car was jointly occupied and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that all petitioners are men of clean antecedent and, moreover, investigation of this case is complete, 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 alleged illicit liquor was not made from the conscious physical possession of the petitioners, who are men of clean antecedent, let all the petitioners, above named, are directed to be released on bail in connection with Excise Case P.R. No. 282 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 Additional Sessions Judge-VII-cum-Special Judge (Excise-II), Kaimur at Bhabua/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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