

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57313 of 2022

Arising Out of PS. Case No.-272 Year-2022 Thana- OBRA District- Aurangabad

1. Anand Kumar @ Anand Sharma Son of Late Mohan Lal @ Mohan Lal Sharma Resident of Village- Bikaner, Ward No.- 60, P.S.- Naya Sahar Area, District- Bikaner, Rajasthan
2. Rahul Mundhra Son of Kisanlal Jee Mundhra R/O Village- Jasnur Gate, P.S.- Naya Sahar Area, District- Bikaner, Rajasthan
3. Sunil Kumar Son of Ved Prakash R/O Village- Jaggasar, P.S.- Bajju, District- Bikaner (Rajasthan)
4. Deo Pratap @ Dev Pratap Singh Son of Man Singh @ Bhan Singh R/O Mohalla- Pili Khan, Shastrinagar, P.S.- Civil Line, District- Ajmer, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhukar Anand, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-11-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP 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 Obra P.S. Case No. 272 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioners are named in the F.I.R. and are in custody since 27.07.2022.



The allegation against the petitioners is to be involved in the trading of illicit liquor, where 375.44 liters of English wine was recovered.

Learned counsel appearing on behalf of the petitioners submitted that name of the petitioners surfaced on the basis of confessional statement of apprehended co-accused, namely, Ved Prakash and, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioners. It is further pointed out that seizure list appears doubtful being not supported by independent witnesses rather by local chowkidar. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances. as mentioned above, as recovery of illicit wine not appears to be made from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Obra P.S. Case No. 272 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 Judge, Excise-II, Aurangabad, Bihar/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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