

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57553 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. Sharavan Kumar Son of Fulo Singh Resident of Village- Karnavarsha, P.S-
Alamnagar, District- Madhepura
 2. Rupesh Kumar Son of Mahadeo Yadav Resident of village- Mandheli, P.S-
Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Naveen Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-11-2022 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.

At the outset, learned counsel for the petitioner
submitted that at page no.-1 of the bail petition, in the cause title
of prayer portion, inadvertently, the name of the village of
petitioner no. 2 has been wrongly typed as 'Maholi' instead of
'Mandheli'.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction during the course of the
day itself.



The petitioners seek bail in connection with Excise Complaint Case No. 109 of 2022 registered for the offence under Sections 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 08.08.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 144 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor was made from the dicky of the car for which, the petitioners were not aware about, as nothing surfaced, during the course of investigation, to suggest that it was under knowledge of the petitioners. It is further pointed out that the seizure list also appears doubtful not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that both petitioners are men 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 not appears to be made from the conscious physical possession of these petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Excise Complaint Case No. 109 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 Additional District and Sessions Judge-V, Banka/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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