

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60815 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

1. Vinod Sah Son of Maahesh Sah Resident of Mohala RZB79 Narsing Garden, Police Station Tilak Nager Khayala, District - New Delhi.
2. Mithu Kumar Son of Gagan Deo Das Resident of Village Bedaul, Police Station - Kanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 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 Kuchaikote P.S. Case No. 314 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 are in custody since 11.07.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 289.800 litres of IMFL/country made liquor from the alleged car.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is not connected in any manner with alleged vehicle, whereas petitioner no. 2 was driver, where nothing surfaced during the course of investigation, which may suggest that either of the petitioners was under knowledge to have in possession of consignment of illicit liquor. 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 coupled with the fact that charge-sheet has already been submitted, let both above named petitioners are directed to be released on bail in connection with Kuchaikote P.S. Case No. 314 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 Judge-II-cum-Special Excise Judge Court No. 1, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

