

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56599 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- NAWANAGAR District- Buxar

Kanhaiya Kumar Son of Sri Bhagwan Singh R/V- Parariya, P.S- Nawanagar,
Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56622 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- NAWANAGAR District- Buxar

1. Lallu Yadav Son of Baban Yadav Resident of Village - Ekouni, P.S.-
Dumraon, District - Buxar.
2. Chandan Tiwari Son of Kapilmuni Tiwari Resident of Village - Ekouni, P.S.-
Dumraon, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56688 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- NAWANAGAR District- Buxar

Vikas Kumar @Vikas Kr. Rai S/o- Kamala Singh R/o Village- Parariya, P.S.-
Nawanagar, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56599 of 2022)

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
	:	Mr. Dhananjay Kr. Pandey, Advocate
	:	Mr. Hemant Kumar Srivastava, Advocate

For the State	:	Mr. Anil Kumar Singh No.1, APP
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(In CRIMINAL MISCELLANEOUS No. 56622 of 2022)

For the Petitioner/s	:	Mr. Nirbhay Prashant, Advocate
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For the State	:	Mr. Shyam Bihari Singh, APP
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(In CRIMINAL MISCELLANEOUS No. 56688 of 2022)

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
	:	Mr. Dhananjay Kr. Pandey, Advocate
	:	Mr. Hemant Kumar Srivastava, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-11-2022

Cr. Misc. No. 56599 of 2022

At the outset, learned counsel for the petitioner submitted that in paragraph no.11, at page no.4, of the bail petition, inadvertently, period of custody has been wrongly typed as '18.08.2022' instead of '19.08.2022'.

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

Heard learned counsel appearing on behalf of the petitioner 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 petitioner seeks bail in connection with Nawanagar P.S. Case No. 276 of 2022 registered for the offence under Section 30(a), 30(c), 30(d), 33, 34, 36 and 41(1)(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 19.08.2022.

The allegation against the petitioner is to be involved



in illegal trading of illicit liquor, where a total of 291.6 liters of English wine and spirit was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged spirit and liquor was made from the bush developed on the bank of Kav River, which is accessible by general public and, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner. 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 liquor is not appearing from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawanagar P.S. Case No. 276 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 Special Judge-2, Excise Act, Buxar/concerned Court,



subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 56622 of 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 Nawanagar P.S. Case No. 276 of 2022 registered for the offence under Section 30(a), 30(c), 30(d), 33, 34, 36 and 41(1)(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 19.08.2022.

The allegation against the petitioners is to be involved in illegal trading of illicit liquor, where a total of 291.6 liters of English wine and spirit was recovered.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged spirit and liquor was made from the bush developed on the bank of Kav River, which is accessible by general public and, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet



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

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Cr. Misc. No. 56688 of 2022

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two sureties of the like amount each to the satisfaction of
learned Special Judge-2, Excise Act, Buxar/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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