

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57041 of 2022

Arising Out of PS. Case No.-551 Year-2022 Thana- GARKHA District- Saran

1. Shahanawaj S/O Afsar Ali Resident of Village- Chhajlate, P.S.- Tehakant, District- Muradabad (U.P.).
2. Ashraf S/O Rhisuddin Ahamad Resident of Village- Nurpur, P.S.- Nurpur, District- Bijnour, (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Choudhary, Advocate
	:	Mr. Amresh Kumar Sinha, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, 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 Garkha
P.S. Case No. 551 of 2022 registered for the offence under
Sections 30(a) and 41(1) of Bihar Prohibition and Excise
(Amendment) Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 25.08.2022.



The allegation against the petitioners is to have in possession of 5877 liters of illicit IMFL.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor was made from the truck, which was jointly occupied by other co-accused persons and, as such, it can be safely gathered that recovery was not made from the conscious physical possession of the petitioners, who are the men of clean antecedent. 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 not appears to be made from the conscious physical possession of the petitioners, who are the men of clean antecedent 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 Garkha P.S. Case No. 551 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 2nd Additional District and Sessions



Judge-cum-1st Exclusive Special Judge Excise, Saran at
Chapra/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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