

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58627 of 2022

Arising Out of PS. Case No.-459 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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1. Chandan Kumar Son of Suchi Prasad Singh Resident of Village - Bath, P.S.- Bath, District - Bhagalpur.
 2. Nityanand Jha Son of Mahendra Jha Resident of Village - Bath, P.S.- Bath, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-11-2022 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.

The petitioners seek bail in connection with Sadar
(Excise) P.S. Case No. 459 of 2022 registered for the offence
under Section 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 09.08.2022.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 34.5 litres of illicit IMFL liquor/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the recovery of alleged illicit liquor was made from an open place like Railway Platform. It is further submitted that alleged recovery of illicit liquor is not found connected with petitioners during the course of investigation and as such it cannot be said that recovery of illicit liquor was made from his conscious physical possession. It is also submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner No. 1 is involved in one similar nature of case where he is on bail, whereas petitioner No. 2 is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let both the



petitioners, above named, are directed to be released on bail in connection with Sadar (Excise) P.S. Case No. 459 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 Ist, Bhagalpur/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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