

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64549 of 2022

Arising Out of PS. Case No.-242 Year-2022 Thana- GUTHANI District- Siwan

1. Balwant Kumar Son of Sita Ram Sah Resident of Village- Hussaina Bangra, Police Station- Siswan, District- Siwan
2. Kamlesh Kumar Son of Shri Ram Mahto Resident of Village- Hussaina Bangra, P.S.- M.H. Nagar, Hassanpura, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the State	:	Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP 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 Guthani P.S. Case No. 242 of 2022 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.



The accused/petitioners are named in the F.I.R. and are in custody since 12.09.2022.

The allegation against the petitioners is to be involved in illegal trading of illicit liquor, where 135 liters of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from tempo, which is accessible by general public and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, 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 not appears to be made from conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Guthani P.S. Case No. 242



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 Special Excise, Court No.2, Siwan/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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