

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60821 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- MAIRWAN District- Siwan

1. Bikarma Mahto @ Bikram Mahto Son of Late Ganesh Mahto Resident Of Village- Nizampur, P.S.- Hasanpura, District- Siwan
2. Arshad Ansari Son of Shaukat Ansari R/O Village- Semari, P.S.- Hasanpura, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-11-2022 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 Mairwa P.S. Case No. 317 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 is in custody since 23.08.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 245.70 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioners



submitted that the alleged recovery of illicit liquor was made from tempo, which is a public carrier, where petitioners were travelling as a passenger. It is submitted that as alleged vehicle is a public carrier, therefore, it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of these petitioners being a public carrier. While concluding the argument, it has been submitted that 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 illicit liquor not appears to be made from the conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let both above named petitioners are directed to be released on bail in connection with Mairwa P.S. Case No. 317 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 Excise Court No. 1, Siwan/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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