

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61787 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

NIKHIL KUMAR Son of Arun Kumar Sinha Resident of D.B. Road, P.S.-
Saharsa Sadar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62898 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

1. BRAJESH KUMAR Son of Mangal Yadav Resident of Village- Saharsa
Ward No. 17, P.S.- Bihra, District- Saharsa
2. PRAMOD KUMAR Son of Manohar Yadav Resident of Village- Sattar
Kataiya Ward No.- 5, P.S.- Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61787 of 2022)

For the Petitioner/s : Mr.Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 62898 of 2022)

For the Petitioner/s : Mr.Shiva Shankar Sharmam, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the

petitioner 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 petitioner seeks bail in connection with Excise Complaint Case No. 145 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 30.08.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 182.34 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the passenger of alleged vehicle, where alleged illicit liquor was recovered, where nothing surfaced, during the course of investigation, to suggest that petitioner was under knowledge to carry the consignment of illicit liquor. It is further submitted that recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnel. While concluding the argument, it has been submitted that investigation of this case is complete, for which, 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 seizure list appears doubtful, being not supported by independent witnesses coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Excise Complaint Case No. 145 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 Additional District & Sessions Judge-V, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

In Cri. Misc. No. 62898 of 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 Excise Complaint Case No. 145 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 both are in custody since 30.08.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 182.34 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioners were the passenger of alleged vehicle, where alleged illicit liquor was recovered, whereas nothing surfaced, during the course of investigation, to suggest that petitioners were under knowledge to carry the consignment of illicit liquor. It is further submitted that recovery of alleged illicit liquor was not made from the conscious physical possession of the these petitioners, who are men of clean antecedent. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnel. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned



above, as seizure list appears doubtful, being not supported by independent witnesses 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 Excise Complaint Case No. 145 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 Additional Sessions Judge-V-cum-Special Judge Excise, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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