

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58992 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- SAHAR District- Bhojpur

1. Dablu Kumar S/O Lalan Ram Resident of village- Purvari Masharak, P.S.- Masharak, District is Saran at Chapra.
2. Happy Yadav @ Happy Kumar S/O Kanhaiya Ray Resident of Village- Datara Pursauli, P.S.- Isuapur, District Is Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrinath Manjhi, Advocate
For the State : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 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 Sahar P.S.
Case No. 205 of 2022 registered for the offence under Sections
467, 468, 471, 414, 272, 273 and 34 of the Indian Penal Code
and Sections 30(a) and 33 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 13.09.2022.

The allegation against the petitioners is to be engaged



in illegal trading of illicit liquor, where there was a recovery of 3240 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioners apprehended in the present case only for the reason that the vehicle, in which the petitioners were sitting, was moving ahead of the alleged truck, from where the alleged recovery was made. It is submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect these petitioners with the present recovery and, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioners, who are men of clean antecedent. It is further submitted that seizure appears doubtful being not supported by independent witnesses rather by police personnel.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of the petitioners in the background of disputed seizure list, let the petitioners, above named, are directed to be released on bail in connection with Sahar P.S. Case No. 205 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 Exclusive Special Excise Court-II, Bhojpur at Ara/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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