

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60014 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- TISIAUTA District- Vaishali

1. Krishnanandan Ray @ Krishna Nandan Ray Son of Ramanand Ray Resident of Village - Ganiyari, P.S.- Sakara, District - Muzaffarpur.
2. Munna Kumar Son of Ramanand Ray Resident of Village - Ganiyari, P.S.- Sakara, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel 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 Tisiauta P.S. Case No. 104 of 2022 registered for the offence under Sections 420, 467, 469, 471 and 34 of the Indian Penal Code and 30(a), 32, 36 and 41 of the Bihar Excise Act.

The accused/petitioners are named in the F.I.R. and is in custody since 01.09.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 189.75 litres of IMFL/country made liquor from the alleged truck.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 1 was the driver, whereas the petitioner no. 2 was the cleaner of the alleged truck and as the truck was booked through agencies, therefore, it is safely to suggest that both petitioners were not aware about the possession of illicit liquor, as alleged. It is also submitted that during the course of investigation even nothing surfaced, which may suggest that petitioners have in knowledge of illicit liquor. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, 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 alleged illicit liquor not appears to be made from the conscious physical possession of petitioners coupled with the fact that charge-sheet has already been submitted, let both petitioners, above named, are directed to be



released on bail in connection with Tisiauta P.S. Case No. 104 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 Exclusive Special Excise 2-cum-Additional District and Sessions Judge, Vaishali at Hajipur/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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