

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66007 of 2022

Arising Out of PS. Case No.-173 Year-2020 Thana- PATNA CITY CHOWK District- Patna

1. Binod Kumar @ Langra S/O Mauzi Prasad Lal R/O Mohalla- Humad Gali Nehru Tola, P.S- Chowk, District- Patna
2. Guddu Kumar S/O Rajendra Rawani R/o of Mohalla- Chowk Sikarpur, Nala per Durga Sthan, P.S- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 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 Patna City Chowk P.S. Case No. 173 of 2020 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 are in custody since 28.08.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 74.8 litres of IMFL/country made liquor from the place of occurrence.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor was made from railway over bridge (R.O.B.) area and not from the possession of these petitioners, where name of both petitioners surfaced on the basis of unknown villagers, who disclosed the name of both petitioners, alongwith other co-accused persons to found run away from the place of recovery. It is further pointed out that admittedly, recovery of illicit liquor was not made from the conscious physical possession of these petitioners. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already 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 appears to be made from an open area like railway over bridge (R.O.B.) coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in



connection with Patna City Chowk P.S. Case No. 173 of 2020 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 Judge Excise at Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of these petitioners duly supported by the documents.

(Chandra Shekhar Jha, J)

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