

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59808 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- CHAUTHAM District- Khagaria

1. Guddu Kumar Son of Chhote Lal Yadav R/O Village- Pithahi, P.S.- Madhepura, District- Madhepura
2. Krishna Kumar Son of Ram Chandra Yadav R/O Village- Laukai, P.S.- Bihar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 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
Chautham P.S. Case No. 211 of 2022 registered for the offence
under Section 420 of the Indian Penal Code and under Section
30(a), 32(1)(2), 41(1)(2) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 06.08.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 177.20 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner No. 1 was implicated falsely in this case for the reason that he is the son of the owner of the alleged Scorpio and petitioner No. 2 is not connected in any manner with said four wheeler/scorpio. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by Bihar home guard personnels. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation of this case is complete, where 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 recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners, who are men of clean antecedent 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 Choutham P.S.



Case No. 211 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 Court of Exclusive Special
Excise Judge, Ist at Khagaria/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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