

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63670 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- GUTHANI District- Siwan

1. Chandan Kumar Yadav Son of Brijnand Singh R/V- Medapur, P.S- Jagdishpur, Dist- Bhojpur
2. Rajesh Kumar Son of Shri Bhola Rai R/V- Goriyara, P.S- Karja, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate
For the State : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioners seeks bail in connection with Guthni P.S. Case No.243 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

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

The allegation against the petitioners is to be in illegal possession of illicit liquor, where, there was recovery of 169.200 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners



submitted that petitioner No.1 was the driver and petitioner No.2 was the passenger, who took a lift for local destination, where nothing surfaced during the course of investigation which may suggest that either of the petitioners were under knowledge to have in possession of illicit liquor and, as such, it can be safely gathered that recovery not appears to be made from the conscious physical possession of these petitioners. While concluding the argument, it is submitted that petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioners coupled with the fact that chargesheet has been submitted, let both above named petitioners directed to be released on bail in connection with Guthni P.S. Case No.243 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



Session Judge-I-cum-Special Judge, Excise, Siwan/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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