

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61740 of 2022

Arising Out of PS. Case No.-339 Year-2022 Thana- MANJHI District- Saran

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BHUPENDRA SINGH KUSHWAHA Son of Laxman Singh Kushwaha
Resident of Village - Laxmiganj, P.S. - Jaanaganj, District - Gwalior, Madhya Pradesh.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 61194 of 2022

Arising Out of PS. Case No.-339 Year-2022 Thana- MANJHI District- Saran

- =====
1. SANJAY BAGHEL @ SANJAY BHAGHEL Son of Asharam Baghel R/v-
Gerwae Raja Gas Godam, P.S.- Girwae, District- Gwalior, Madhya Pradesh
 2. HANEEF KHAN Son of Azeem Khan @ Ajim Khan R/v- Golpahiya, P.S.-
Jaanaganj, District- Gwalior, Madhya Pradesh

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 61740 of 2022)

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

(In CRIMINAL MISCELLANEOUS No. 61194 of 2022)

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 petitioner seeks bail in connection with Manjhi P.S. Case No. 339 of 2022 registered for the offence under Sections 30, 30(a), 32, 36, 41(i) of the Bihar Prohibition and Excise Act, 2018.

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

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 203.400 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is owner of the alleged vehicle, where alleged illicit liquor was recovered and admittedly, recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.



In view of the facts and circumstances as mentioned above, and by taking note of nature of accusation, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Manjhi P.S. Case No. 339 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 Court No.2, Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

In Cri. Misc. No. 61194 of 2022

Heard learned counsel appearing on behalf of the petitioners and learned APP 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 Manjhi P.S. Case No. 339 of 2022 registered for the offence under Sections 30, 30(a), 32, 36, 41(i) of the Bihar Prohibition and Excise Act, 2018.

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



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 203.400 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is the driver of the alleged vehicle and petitioner no.2 is passenger, who took a lift for Bihar, where nothing surfaced, during the course of investigation, which may suggest that petitioners were under knowledge to carry the consignment of alleged illicit liquor. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of these petitioners 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 Manjhi P.S. Case No. 339 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 No.2,



Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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