

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62927 of 2022**

Arising Out of PS. Case No.-579 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

1. Kundan Kumar Son Of Mohan Ray R/O Village- Rampur, P.S.- Raghapur, District-Vaishali
2. Ravindra Ram @ Ravindra Das Son Of Late Indradeo Ram R/O Village- Malikapur, P.S.- Raghapur, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Md. Anbzarul Haque Sahara, 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 Makhdumpur P.S. Case No.579 of 2022 registered for the offence under Sections 30(a), 32(1)(2) and 41(1) of the Bihar Prohibition and Excise Act.

The accused/petitioners is named in the F.I.R. and is in custody since 31.08.2022.



The allegation against the petitioners is to be in possession of illicit liquor, where, there was recovery of 33 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the alleged vehicle was jointly occupied, and as such, it cannot be said that recovery was made from conscious physical possession of the petitioners. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that 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 the seizure list appears doubtful being not supported by independent witnesses coupled with the fact chargesheet submitted, let both above named petitioners directed to be released on bail in connection with Makhdumpur P.S. Case No.579 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 Court of Exclusive, Excise Judge-I,
Jehanabad/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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