

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61605 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- AMNAUR District- Saran

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1. BUNEL NAT S/O KASHIM NUT Resident of village- Majhopur, P.S.- Taraiya, District- Saran (Chapra), at present residents of Village- Dharampur Pakar, P.S.- Amnour District- Saran (Chapra).
 2. RINKU DEVI W/O BUNEL NAT Resident of village- Majhopur, P.S.- Taraiya, District- Saran (Chapra), at present residents of Village- Dharampur Pakar, P.S.- Amnour District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : 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.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Amnour P.S. Case No. 246 of 2022 registered for the offence under Sections 30(a), 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and both are in custody since 18.08.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 182 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from the hut located in Chawar, which is an open place and accessible by general public, which is not connected in any manner with these petitioners, and as such it can be safely gathered that recovery of alleged illicit liquor was not made from the conscious physical possession of these petitioners. It is further submitted that antecedent of the petitioners, who are none but wife and husband, is clean 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.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the 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 Amnour P.S. Case No. 246 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 District & Sessions Judge-2nd-cum-1st Exclusive Special Judge, Excise, 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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