

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62162 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- BARAUNI District- Begusarai

1. Monu Kumar Son of Sunil Singh R/O Village- Bihat (Ibrahimpur), P.S.- Barauni (Fci), District- Begusarai
2. Sonu Kumar Son of Sunil Singh R/O Village- Bihat (Ibrahimpur), P.S.- Barauni (Fci), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the State : Mr. Navin Kumar Pandey, 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 Barauni P.S. Case No. 371 of 2022 registered for the offence under Sections 272, 273 and 120B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 08.08.2022.

The allegation against the petitioners is to be involved



in the illegal trading of illicit liquor, where 444.6 liters of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is the driver of the alleged vehicle from where the recovery was made and nothing incriminating surfaced during the course of investigation to connect this petitioner with the alleged recovery. It is further submitted that recovery of illicit liquor was not made from the conscious physical possession of petitioner no.2. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by Home Guard personnel. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances, as mentioned above, as alleged 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 the petitioners, above named, are directed to be released on bail in connection with Barauni P.S. Case No. 371 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 Judge, Excise No.1, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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