

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63147 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- DIDARGANJ District- Patna

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1. Rakesh Kumar Son Of Naresh Ravidas R/O Village- Sritola, P.S.- Gaurichak, District- Patna
 2. Rohit Kumar Son Of Dhramveer Ravidas R/O Village- Chakbihari, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, 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 Didarganj P.S. Case No. 233 of 2022 registered for the offence under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and both are in custody since 08.09.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 360 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that both the petitioners apprehended while running away from the place of occurrence/recovery and, as such, it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of these petitioners. It is submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation of this case is complete, where 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 seizure list appears doubtful in want of independent witnesses, where petitioners are men 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 Didarganj P.S. Case No. 233 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 Special Judge, Excise, Patna City/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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