

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61998 of 2022

Arising Out of PS. Case No.-286 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

-
1. Chandan Kumar Son of Late Nageshwar Yadav R/o village - Bhura, Ward No.- 9, P.S.- Triveniganj, District - Supaul.
 2. Tun Tun Kumar Son of Sri Satyanarayan Yadav Resident of village - Bhura, Ward No.- 9, P.S.- Triveniganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63097 of 2022

Arising Out of PS. Case No.-286 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

-
1. Manoj Kumar Yadav @ Manoj Kumar S/O Shri Sitaram Yadav Resident of Village- Sukhashan, Ward No- 04, P.S.- Kishunpur, District- Supaul.
 2. Binod Kumar S/O Shri Sitaram Yadav Resident of Village- Sukhashan, Ward No- 04, P.S.- Kishunpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61998 of 2022)

For the Petitioner/s : Ms. Patla Kumari, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 63097 of 2022)

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-12-2022

Cr. Misc. No. 61998 of 2022

Heard learned counsel appearing on behalf of the
petitioners and learned counsel 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 Excise Supaul P.S. Case No. 286 of 2022 registered for the offence under Sections 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 20.08.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3996.360 litres of IMFL/country made liquor from the house of co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made from the house of co-accused Manoj Kumar, not from these petitioners, as per seizure list, where petitioner connected with present alleged recovery without having any evidence. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering



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 these petitioners coupled with the fact that charge-sheet has been submitted, let both above named petitioners are directed to be released on bail in connection with Excise Supaul P.S. Case No. 286 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 Special Judge Excise-2, Supaul/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc. No. 63097 of 2022

Heard learned counsel appearing on behalf of the petitioners and learned counsel 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 Excise Supaul P.S. Case No. 286 of 2022 registered for the offence under Sections 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 20.08.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3996.360 litres of IMFL/country made liquor from the place of occurrence.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made from the kitchen of the house of these petitioners, which is accessible by other family members and, as such, it cannot be said that alleged recovery of illicit liquor was made from the conscious physical possession of these petitioners. It is also pointed out that compliance of Section 100(4) of the Cr.P.C. also not appears to be made in present case. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering 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 these petitioners coupled with the fact that charge-sheet has been submitted, let both above named petitioners are directed to be released on bail in connection with Excise Supaul P.S. Case No. 286 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 Judge Excise Court No. 2-cum-Additional District and Sessions Judge-V, Supaul/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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