

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63172 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- CHANDI District- Bhojpur

1. CHANDAN KUMAR Son of Ramesh Das Resident of Village - Behamanchak, Police Station - Pipara, District - Patna.
2. Rahul Kumar Son of Upendra Yadav Resident of Village - Behamanchak, Police Station - Pipara, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeswari Singh, Advocate

For the Opposite Party/s : Mr.Rajendra 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 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 Chandi P.S. Case No. 224 of 2022 registered for the offence under 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 27.08.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 60 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners



submitted that the recovery of alleged illicit liquor was made from motorcycle, which was jointly occupied and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of these petitioners, who are men of clean antecedent. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has 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 petitioners are in custody since 27.08.2022 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 Chandi P.S. Case No. 224 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 Judge of Exclusive Special Excise Court No. 1, Bhojpur, Ara/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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