

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64528 of 2022**

Arising Out of PS. Case No.-146 Year-2022 Thana- NASRIGANJ District- Rohtas

1. Mukhdeo Choudhary S/O Late Beyas Choudhary Resident of Village- Amiyawar, P.S.- Nasriganj, District- Rohtas.
2. Chandeo Choudhary @ Chandan Choudhary S/O Jheger Chaudhary Resident of Village- Amiyawar, P.S.- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the State : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-12-2022 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 Nasriganj P.S. Case No. 146 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioners are named in the F.I.R. and are in custody since 24.08.2022.

The allegation against the petitioners is to have in possession of 110 liters of country made liquor.



Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from boat, which is not connected with the petitioners, in any manner and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioners. It is further 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 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 recovery of illicit liquor not appears to be made from conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Nasriganj P.S. Case No. 146 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 Excise Court No.2-
cum-Additional District and Sessions Judge, Rohtas at
Sasaram/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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