

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67494 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- NAANPUR District- Sitamarhi

1. Navin Kumar Son of Jaiprakash Sah R/V- Thumma, P.S- Runisaidpur, Dist- Sitamarhi
2. Suraj Kumar @ Suraj Sah Son of Bijali Sah R/V- Majhaur, P.S- Nanpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 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 Nanpur P.S. Case No. 103 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 the petitioner No. 1 and petitioner No. 2 are in custody since 10.06.2022 and 01.07.2022 respectively.

The allegation against the petitioners is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 2332.98 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from western side of the house of Rampravesh Thakur, which is an open place and accessible by general public and as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioners. It is also submitted that seizure list is disputed, as the same is not supported by independent witnesses, rather supported by local Chaukidar. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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.

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 the petitioners coupled with the fact that charge-sheet has already been submitted, let both petitioners, above named, are directed to be released on bail in connection with Nanpur P.S. Case No. 103 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-II, Sitamarhi/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C, with further condition:

“That Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the document.”

(Chandra Shekhar Jha, J.)

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