

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65392 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- DIDARGANJ District- Patna

1. Vikash Kumar S/o Bhringu Nath Ray @ Nath Ray R/o Village- In front of Kumar Patrol Pump Lane, Didarganj, P.S.- Didarganj, Distt- Patna.
2. Santosh Kumar S/o Umesh Das R/o Village- Hemanthpur, Rustampur, P.S.- Raghobpur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Jay Ram Prasad, Advocate

For the State : Mr. Sanjay Kumar Pandey, 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.

The petitioners seeks bail in connection with Didarganj P.S. Case No.257 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 is



in custody since 02.10.2022.

The allegation against the petitioners are to be in possession of illicit liquor, where, there was recovery of 40 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the motorcycle was jointly occupied and, as such, it is difficult to suggest that recovery of illicit liquor was made from the conscious physical possession of these petitioners. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. 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 for bail.

In view of the facts and circumstances as mentioned above as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that chargesheet has already submitted, let above named both petitioners directed to be released on bail in connection with Didarganj P.S. Case No.257 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/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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