

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65395 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- BAUNSI District- Banka

1. Mohan Kumar @ Gandhi Yadav S/O Lakshman Prasad Yadav @ Laxman Yadav Resident Of Village- Kamaljari, Dharbitiya, P.S.- Kishorpur, District- Supaul.
2. Md. Salim S/O Md. Hamid Resident Of Village- Pokhariya, P.S.- Baliya, District- Begusarai.
3. Prashant Kumar Bhagat S/O Raj Kumar Bhagat Resident Of Village- Ghat Banka @ Banka Ghat, P.O. Sarouni/ Sanouni Bazar, P.S. And District- Godda (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Pradeep Narain 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.

The petitioner seeks bail in connection with Bounsi P.S. Case No.209 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner no. 1 is named, whereas petitioner nos. 2 and 3 are not named in the F.I.R. and is in custody since 01.09.2022.

The allegation against the petitioners are to be



involved in illegal trading of illicit liquor, where, there was recovery of 8128.8 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the name of petitioner no.1 surfaced on the basis of disclosure made by the driver of the alleged vehicle, whereas petitioner nos. 2 and 3 were not named in the F.I.R., their name surfaced during the course of investigation, where maximum allegation surfaced against them was to act as liner. It is submitted that, admittedly the recovery of illicit liquor was not made from the physical possession of these petitioners, who are man of clean antecedent. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. 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 recovery of illicit liquor not appears to be made from the conscious physical possession of these petitioners, who are man of clean antecedent coupled with the fact that chargesheet



has already submitted, let above named three petitioners directed to be released on bail in connection with Bounsi P.S. Case No.209 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 Court of Additional District and Sessions Judge-II, Banka/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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