

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66680 of 2022

Arising Out of PS. Case No.-489 Year-2022 Thana- RAHUI District- Nalanda

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1. MD. SIKANDAR ANSARI Son of Md. Yanus Ansari Resident of Dharti Sharan, P.S.- Bengabad, District - Giridih, Jharkhand
 2. Vikash Singh @ Lulu Singh Son of Late Manoj Singh Resident of Village - Bodo, P.S. and District - Giridih, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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 Rahui P.S. Case No. 489 of 2022 registered for the offence under Sections 420, 467, 471, 120(b) of the Indian Penal Code and Sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2022.

The accused/petitioners are named in the F.I.R., where both are in custody since 06.10.2022.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 661.680 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from jute bag containing vegetables, where name of the petitioners surfaced on the basis of confessional statement of co-accused, where nothing surfaced, during the course of investigation, to connect these petitioners with the present alleged recovery and, as such, it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of these petitioners, who are men of clean antecedent.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of these petitioners, who are men of clean antecedent and both are in custody since 06.10.2022, let the petitioners, above named, are directed to be released on bail in connection with Rahui P.S. Case No. 489 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 4th Additional District



and Session Judge-cum-Special Judge Excise-II,
Nalanda/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C with further
condition:

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

(Chandra Shekhar Jha, J)

R.S.Sen/-

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