

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66673 of 2022

Arising Out of PS. Case No.-842 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. SURAJ KUMAR Son of Lakshmi Singh Resident of Village- Didarganj, Check Post, Police Station- Didarganj, District- Patna
 2. GIGAL YADAV Son of Late Sanjivan Ray Resident of Village- Didarganj, Check Post, Police Station- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, 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 Patna P.S. Case No. 842 of 2022 registered for the offence under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2022.

The accused/petitioners are named in the F.I.R., where both are in custody since 22.09.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 100 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from jointly occupied motorcycle and, as such, it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of these petitioners. It is submitted that seizure list is appearing doubtful, being not supported by independent witnesses. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as seizure list appears doubtful, being not supported by independent witnesses, where petitioners are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Patna P.S. Case No. 842 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 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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