

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65835 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- AAYAR District- Bhojpur

=====

Dilip Kumar S/o Late Satyanarayan Singh R/o Village- Mahavir Tola,
Ekauna, P.S.- Udwananagar, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 66396 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- AAYAR District- Bhojpur

=====

Shio Parsan Yadav S/o Late Dhondha Yadav R/o Village- Deo Tola,
Babhaniyavan, P.S.- Jagdishpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65835 of 2022)

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

(In CRIMINAL MISCELLANEOUS No. 66396 of 2022)

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022

Cr. Misc. No. 65835 of 2022

Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Aayer P.S. Case No. 105 of 2022 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 24.09.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 75 litres from the alleged car and 2 litres from the house of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case, as the driver of car, from where 75 litres of illicit liquor was alleged to be recovered, without having any connecting evidence. It is also submitted that 2 litres of illicit liquor was said to be recovered from the house of this petitioner, just to implicate him and to connect him with alleged recovery of 75 litres of illicit liquor. It is also pointed out that the compliance of Section 100(4) of the Cr.P.C. not appears to be made in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with



the evidence.

Learned APP 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 this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Aayer P.S. Case No. 105 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc. No. 66396 of 2022

Heard learned counsel appearing on behalf of the petitioner 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 petitioner seeks bail in connection with Aayer P.S. Case No. 105 of 2022 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 24.09.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 12 litres from the house of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of this petitioner, which is accessible by other family members and, as such, it can be said safely that recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is also pointed out that the compliance of Section 100(4) of the Cr.P.C. not appears to be made in the present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP 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 this petitioner coupled with the fact that charge-sheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Aayer P.S. Case No. 105 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

