

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65812 of 2022**

Arising Out of PS. Case No.-625 Year-2022 Thana- FATEHPUR District- Gaya

=====

Brahamdev Kumar Son of Kedar Prasad R/V- Pipra, P.S- Fatehpur, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 66526 of 2022

Arising Out of PS. Case No.-625 Year-2022 Thana- FATEHPUR District- Gaya

=====

Shambhu Kumar Son of Jageshwar Yadav R/v- Bhandar P.s.- Chauparan
District- Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65812 of 2022)

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 66526 of 2022)

For the Petitioner/s : Mr. Kamal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022

Cr. Misc. No. 65812 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Fatehpur
P.S. Case No. 625 of 2022 registered for the offence under



Section 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 15.10.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 100 litres of IMFL/country made liquor from the alleged vehicles.

Learned counsel appearing on behalf of the petitioner submitted that the alleged motorcycle was not belongs to this petitioner and, as such, it can be safely suggest that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that 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 seizure list appears doubtful being not supported by independent witnesses, where petitioner is a man of clean



antecedent 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 Fatehpur P.S. Case No. 625 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, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

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

Cr. Misc. No. 66526 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Fatehpur P.S. Case No. 625 of 2022 registered for the offence under



Section 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 15.10.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 100 litres of IMFL/country made liquor from the alleged vehicles.

Learned counsel appearing on behalf of the petitioner submitted that the alleged motorcycle was not belongs to this petitioner and, as such, it can be safely suggest that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that 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 seizure list appears doubtful being not supported by independent witnesses, where petitioner is a man of clean



antecedent 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 Fatehpur P.S. Case No. 625 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, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

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

(Chandra Shekhar Jha, J)

pooja/-

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

