

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67911 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- KHARIK District- Bhagalpur

1. Abhishek Kumar S/O Sitaram Singh Resident of Village- Barauni Thakuri Chowk, Hajipur-tola, P.S.- Garhhara, District- Begusarai.
2. Sonu Kumar S/O Sikandar Singh @ Sikendra Singh Resident of Village- Nipaniya, P.S.- Phulwariya (Barauni), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Kharik
P.S. Case No. 236 of 2022 registered for the offence under
Sections 420, 467, 468 and 120(B) of the Indian Penal Code
(I.P.C.) and under Sections 30(a), 36 and 41(i) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 03.10.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 724.5 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor not appears to be made from the conscious physical possession of these petitioners, who are men of clean antecedents. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by Bihar home-guard personnels. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already 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 petitioners are men of clean antecedents 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 Kharik P.S. Case No. 236 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 Judge Excise-1, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“Accused/Petitioners 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 petitioners duly supported by the documents.”

(Chandra Shekhar Jha, J)

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