

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68351 of 2022

Arising Out of PS. Case No.-687 Year-2022 Thana- GAURICHAK District- Patna

1. Anchit Singh @ Ayush Singh Son of Pramod Singh Resident of Sabri Nagar Khagaul, P.S- Rupaspur, Dist- Patna
2. Kundan Kumar Son of Late Mithilesh Mistri R/o Betauda (Beur) PS- Beur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bindu Kumari, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, 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 APP 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 Gaurichak P.S. Case No. 687 of 2022 registered for the offence under Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R., where both are in custody since 12.10.2022.

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



was recovery of 176.8 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that name of the petitioners in the present case surfaced on the basis of secret input. It is submitted that admittedly, recovery of alleged illicit liquor was not made from the conscious physical possession of these petitioners. While concluding the argument, it is submitted that 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 recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioners, 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 Gaurichak P.S. Case No. 687 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 Exclusive Special Judge, Excise Court, Patna City/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C with further condition:.

(ii) 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)

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