

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68590 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- NAANPUR District- Sitamarhi

1. Urmila Devi Wife Of Lalbabu Sah R/O Village- Nanpur North Shivalay, P.S.- Nanpur, District- Sitamarhi
2. Vijay Sah @ Vijay Gupta Son Of Lalbabu Singh R/O Village- Nanpur North Shivalay, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, 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 Nanpur
P.S. Case No. 315 of 2022 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 17.07.2022.

The allegation against the petitioners is to be engaged
in illegal trading of illicit bhang, where, there is recovery of
296.6 kg of illicit bhang made from joint house of these



petitioners.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit Bhang was made from the joint house of these petitioners, which is occupied by other family members and, as such, it can be safely said that the recovery of alleged illicit Bhang was not made from the conscious physical possession of these petitioners, who are men of clean antecedents. 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 for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit Bhang not appears to be made from the conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let both above named petitioners are directed to be released on bail in connection with Nanpur P.S. Case No. 315 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 Special Judge, Exclusive Excise Court II, Sitamarhi/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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