

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4060 of 2023

Arising Out of PS. Case No.-578 Year-2022 Thana- WAJIRGANJ District- Gaya

1. Satish Kumar, Son of Kapil Mahto, Resident of Village - Dakhingaon, Kushwaha Tola, Police Station - Wazirganj, District - Gaya.
2. Ravikant Kumar, Son of Late Ratan Prasad, Resident of Village - Dakhingaon, Kushwaha Tola, Police Station - Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Wazirganj P.S. Case No. 578 of 2022 registered
for the alleged offences under Sections 30(a)/45 of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, police received secret
information about home delivery of illicit liquor by 3-4 boys
from a community hall. A raid was conducted at the said place
and on seeing the police party, four persons tried to escape and



two of them were apprehended. The apprehended persons are the petitioners of this case and on search of one of the rooms of community hall, a motorcycle was found and from it total 18.750 liters of India made foreign liquor was recovered.

Learned counsel for the petitioners submit that the petitioners have been falsely implicated in this case and they have not committed any offence. The petitioners have nothing to do with the place from which recovery has been made and they have no concern with the motorcycle as well as liquor which was found loaded on the same. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners were not apprehended from the spot as alleged and they were apprehended from near their houses after some heated exchange took place between the police party and the petitioners since the real culprits fled away from the spot and the police could not arrest them. The petitioners are in custody since 29.10.2022 and charge-sheet has been submitted in this case. The petitioners have got no criminal history.

Learned APP for the State opposes the prayer for bail submitting that the petitioners were apprehended from the spot from where recovery of illicit liquor has been made.

Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the fact that the recovery has been made from a public place and further considering the contention of the petitioners that the motorcycle from which recovery has been shown does not belong to them and also considering the clean antecedent of the petitioners along with their period of custody and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya in connection with Wazirganj P.S. Case No. 578 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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