

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22430 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- KATEYA District- Gopalganj

1. Santosh Kumar Son of Raghaw Rai R/V- Baluawa P.s- Mahindwara Dist- Sitamarhi
2. Harbansh Rai @ Harbnash Rai @ Harvansh Rai @ Harbansh Ram Son of Sonelal Rai @ sonelal Ram R/V- Bhaw Chhapra PS- Mina Pur Dist- Muzaffarpur
3. Arun Kumar Son of Ram Chandra Rai R/V- Ganga Dharam Pur, PS- Tariyani Chapra Dist- Shivhar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 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 Kateya
P.S. Case No. 73 of 2023 registered for the offence under
Sections 30(a) of the Bihar Prohibition Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 14.02.2023.

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



recovery of 145.920 litres of IMFL/country made liquor from jointly occupied vehicle.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor cannot be said to be made from conscious physical possession of these petitioners for the reason that the alleged vehicle from where the recovery of illicit liquor was made, was jointly occupied. While concluding the argument, it has been submitted that petitioner no. 1 is a man of clean antecedent, whereas petitioner no. 2 found involved in one criminal case, where he is on bail and petitioner no. 3 found involved in three criminal cases, where he has already been acquitted in two cases and is on bail in one case and moreover, investigation of this case is 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 alleged recovery of illicit liquor appears to be made from jointly occupied vehicle, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 14.02.2023, accordingly, all three above named petitioners are directed to be released on bail in connection with Kateya



P.S. Case No. 73 of 2023 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand only) with two sureties of the like
amount each to the satisfaction of learned Additional District
and Session Judge-II-cum-Special Excise Court-I,
Gopalganj/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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