

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21399 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- CHANAN District- Lakhisarai

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TRILOKI KODA @ TILA KODA Son of Parmeshwar Koda R/V- Kachhua
PS- Chanan Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21990 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- CHANAN District- Lakhisarai

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VINOD KODA S/O Guleshwar Koda R/O Village- Kachhua, P.S- Chanan,
Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 21399 of 2023)

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

(In CRIMINAL MISCELLANEOUS No. 21990 of 2023)

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-05-2023 1. As both the criminal miscellaneous petitions
- have arisen out of same P.S. case, hence they are heard together
- and decided by a common order.
2. Heard learned counsel for the petitioners and
- learned APP for the State.
3. Petitioners seek regular bail in connection with



Chanan P.S. Case No. 94 of 2022, dated 26.06.2022 registered for the offences punishable under Sections 30(a),(b),(c) of Bihar Prohibition and Excise Act.

4. The main submissions advanced by petitioners' counsel are that the instant matter relates to the recovery of 70 litres of *illicit Mahua wine* and the same is stated to have been recovered from a forest area and admittedly both the petitioners were not apprehended at the spot of recovery and their involvement in the commission of the alleged crime of manufacturing the *illicit wine* was disclosed by the villagers and local *chowkidar*; in fact the petitioners have been made accused merely on the basis of suspicion and the ground on which they have been made accused is not admissible in the eye of law and they have been languishing in jail since 25.01.2023 and they surrendered before the trial court, though against the petitioners there are criminal antecedents of some cases but they have got bail in two cases out of their antecedent cases and in the present matter, against the petitioners investigation has been completed.

5. Learned APP appearing for the State opposes the prayer for bail.

6. Considering the above submissions and mainly the facts that the petitioners were not arrested at the spot of



recovery and the alleged wine as well as raw materials, purported to be used in manufacturing of illicit wine, were recovered from a forest area which is an open place and having access to everyone and petitioners' involvement in the alleged crime was disclosed by local *chowkidar* and villagers and two official persons have been made witnesses of the seizure and in the trial of the petitioners the material witnesses who are to be examined are official persons and against the petitioners investigation has been completed and they surrendered before the trial Court, in my opinion it is a fit case for bail to the petitioners. Accordingly, let both the petitioners named-above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Chanan P.S. Case No. 94 of 2022.

(Shailendra Singh, J.)

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