

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35510 of 2023

Arising Out of PS. Case No.-222 Year-2023 Thana- GAURICHAK District- Patna

1. AJAY KUMAR SON OF RAKESH BIND RESIDENT OF VILLAGE-
BEER CHAIKIYA PAR, PS- DHANARUA, DISTRICT- PATNA
2. RAJEEV KUMAR SON OF SUJAY CHOUDHARY RESIDENT OF
VILLAGE- BEER CHAIKIYA PAR, PS- DHANARUA, DISTRICT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 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

Gaurichak P.S. Case No. 222 of 2023 registered for the offence

under Section 30(a) and 36 of the Bihar Prohibition and Excise

Act.

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

are in custody since 14.04.2023.

The allegation against the petitioners is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 120 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that the alleged motorcycle was jointly occupied alongwith co-accused persons and as such it can be safely said that alleged recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners. It is submitted that seizure list also appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already 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 recovery of alleged illicit liquor not appears to be made from conscious physical possession of petitioners, who are men of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 14.04.2023, accordingly both the petitioners, above named, are directed to be released on bail in connection with Gaurichak P.S. Case No. 222 of 2023 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, Excise, Patna City/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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