

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40004 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- JAGDISHPUR District- Bhojpur

1. Satendra Singh @ Budda Singh S/O Late Ram Pujan Singh R/O Village- Kahathu Ps. Jagdishpur, Dist. Bhojpur
2. Prince Kumar S/O Satendra Singh @ Budda Singh R/O Village- Kahathu Ps. Jagdishpur, Dist. Bhojpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 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
Jagdishpur P.S. Case No. 176 of 2023, registered for the offence
under Section 30(a) of Excise Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 05.05.2023.

The allegation against above-named petitioners is to
have in possession of 155.520 litres of illicit liquor and involved
in illegal trade thereof, where alleged recovery of illicit liquor



made from the house of petitioners, who are father and son.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery made from the house, which occupied by joint family and as such, it cannot be said that the alleged recovery was made from the conscious physical possession of petitioners. It is also submitted that the compliance of Section 100(4) of the Cr.P.C. not appears to be followed in present case. While concluding the argument, it is submitted that petitioner no. 1 found involved in one more criminal case, where he is on bail and petitioner no. 2 found involved in 3 more criminal cases, where he is also on bail, 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 illicit liquor not appears to be recovered from the conscious physical possession of petitioners rather from the joint house, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 05.05.2023 accordingly, petitioners above named, are directed to be released on bail in connection with Jagdishpur P.S. Case No. 176 of 2023



on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Bhojpur at Ara/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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