

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40818 of 2023

Arising Out of PS. Case No.-223 Year-2020 Thana- SALIMPUR District- Patna

1. Nitish Ram @ Nitish Kumar @ Nitish Kumar @ Nitish Ram Son of Murari Ram Resident of Village - Ghunsurpur, P.S. - Salimpur, Distt. - Patna
2. Murari Ram Son of Late Ram Sewak Ram Resident of Village - Ghunsurpur, P.S. - Salimpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Panday (App84)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 19-07-2023 1. Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.
2. Let the defect(s), if any, be removed within a period of four weeks from today.
3. The petitioners seek bail in connection with Special Case No. 4831/2020 arising out of Salimpur P.S. Case No. 223 of 2020 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.
4. The accused/petitioners are named in the F.I.R. and are in custody since 24.05.2023.
5. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where



there is total recovery of 129.2 litres of IMFL/country made liquor from the fodder house of petitioners.

6. Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor was made from fodder house of the petitioners, where petitioner no. 1 is father and petitioner no. 2 is son of petitioner no. 1. It is further submitted that said store room always remains open and as such, accessibility of general public cannot be ruled out. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as alleged recovery of 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 24.05.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Special Case No. 4831/2020 arising out of Salimpur P.S. Case



No. 223 of 2020 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 Court of Exclusive Special Judge Excise, Barh (Patna)/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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