

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41005 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Bharat Singh Son of Virendra Singh Resident Of Village-Padari, P.S.- Industrial, District-Buxar (Bihar).
2. Sechu Bind Son Of Dal Singar Bind Resident Of Village-Gangapur Sonao, P.S.-Durgawati, District-Kaimur At Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-07-2023 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
Chainpur P.S. Case No. 126 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 20.05.2023.

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



there is recovery of 129.240 litres of IMFL/country made liquor from the alleged vehicle.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is a driver and petitioner no. 2 is co-passenger, who took lift for a local destination from petitioner no. 1. It is submitted that being driver and co-passenger, both petitioners were not aware about the carrying illegal consignment of illicit liquor. It is submitted that nothing surfaced during the course of investigation which may suggest that petitioners were aware about the carrying illegal consignment through car. While concluding the argument, it is submitted that petitioner no. 1 is a man of clean antecedent and petitioner no. 2 found involved in two more criminal cases, where he is 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.

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 the conscious physical possession of petitioners, coupled with the fact that charge-sheet has already



submitted, where petitioners are in custody since 20.05.2023, accordingly, petitioners above named, are directed to be released on bail in connection with Chainpur P.S. Case No. 126 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 Special Judge No. I Cum A.D.J.-IV, Kaimur at Bhabua/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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