

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40773 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- JAGDISHPUR District- Bhojpur

1. Deepak Kumar @ Deepak Kumar Chaudhary Son of Narayan Chaudhary Resident Of Village- Masudi, Ps- Jagdishpur, District- Bhojpur
2. Gopal Krishna Singh Son of Late Shivkamal Singh Resident Of Village- Dhigha, Ps- Dangai, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Dimpal Kumari, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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 Jagdishpur P.S. Case No. 208 of 2023 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 25.05.2023.
5. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where there is total recovery of 445 litres of IMFL/country made liquor from the vehicle of petitioner no. 1 and boring room of



petitioner no. 2.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is a driver having no knowledge regarding carrying illegal consignment of illicit liquor, whereas the name of petitioner no. 2 surfaced on the basis of disclosure of petitioner no. 1, where in furtherance of which no incriminating material recovered from the possession of this petitioner, rather it has been recovered from a boring room, which is jointly occupied by family members. While concluding the argument, it has been submitted that petitioners are men of clean antecedent.

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 25.05.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Jagdishpur P.S. Case No. 208 of 2023 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 Exclusive



Special Excise Court No. 1, Bhojpur, 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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