

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40585 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- PATEPUR District- Vaishali

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1. Gautam Rai Son of Baidhnath Ray Village Benipur Pauri, Ps- Bahera, District- Darbhanga
 2. Jogi Rai Son of Bisheshwar Rai Village Dowarikapur, Ps- Dholi, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Md. Iftexhar Mahmood

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 Patepur P.S. Case No. 112 of 2023 registered for the offence under Sections 420, 120-B of the Indian Penal Code and under Sections 30(a), 32(ii), and 41(i) of the Bihar Prohibition and Excise Act.
 4. The accused/petitioners are named in the F.I.R. and are in custody since 16.05.2023.
 5. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is total recovery of 4725.72 litres of IMFL/country made liquor,



where from the vehicles of petitioner no. 1 and 2 total recovery shown as 198 litres and 165.23 litres respectively.

6. Learned counsel appearing on behalf of the petitioners submitted that both petitioners are drivers, where nothing surfaced during the course of investigation which may suggest that they have knowledge of carrying illegal consignment of illicit liquor and, as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of petitioners. 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 implication of both above named petitioners appears for the reason being drivers of the alleged vehicles coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 16.05.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Patepur P.S. Case No. 112 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 Court of Exclusive Special Prohibition and Excise Court No. 2nd-cum-Additionl District and



Session Judge, Vaishali at Hajipur/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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