

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42240 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- KALER District- Jehanabad

1. Ramu Nayak Son Of Late Sadhu Sharan Resident Of Nh- 03, Baga Chowk, Nehru Colony, Ps And District- Faridabad, Hariyana.
2. Naresh Mahto Son Of Ram Kabal Mahto Resident Of Village- Pachpakri, Ps- Dhaka, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 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 Kaler
P.S. Case No. 48 of 2023 registered for the offence under
Sections 420, 467, 468, 471 of the Indian Penal Code and
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 05.04.2023.

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



there is recovery of 1024.2 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 the driver and petitioner no. 2 is the co-driver of the alleged vehicle. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioners were aware about the alleged illegal consignment of illicit liquor and it can be said safely that the recovery of alleged illicit liquor not appears to be made from conscious physical possession of petitioners. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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 recovery of alleged illicit liquor not appears to be made from conscious physical possession of petitioners and also implication of both petitioners appears only being driver and co-driver of the alleged vehicle, carrying illicit liquor, coupled with the fact that charge-sheet has already submitted,



where petitioners are in custody since 05.04.2023 accordingly, petitioners above named, are directed to be released on bail in connection with Kaler P.S. Case No. 48 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-II, Excise, Jehanabad/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

