

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41514 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- BAHADURPUR District- Darbhanga

1. Amarjeet Kumar @ Amarjit Kumar Sahani Son of Harihar Sahni Resident of Mohalla - Shivaji Nagar, P.S.- Town, District - Darbhanga
2. Sushil Kumar Son of Mahendra Das Resident of Mohalla - Dilawarpur, P.S.- Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 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. At the outset, learned counsel appearing on behalf
of the petitioners submitted that inadvertently, name of police
station in paragraph no. 1 and in prayer portion in the bail
petition has been wrongly typed as ‘Bahadurpur P.S. Case No.
117 of 2023’ instead of ‘Bahadurpur P.S. Case No. 177 of 2023’.

4. Accordingly, learned counsel for the petitioners is
permitted to make necessary correction, during the course of the
day itself.



5. The petitioners seek bail in connection with Bahadurpur P.S. Case No. 177 of 2023 registered for the offence under Sections 30(a), 32(i)(ii), 30(b), 41 and 62 of the Bihar Excise Act 2018.

6. The accused/petitioners are not named in the F.I.R. and are in custody since 18.04.2023.

7. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 643.98 litres of IMFL/country made liquor from the place of occurrence.

8. Learned counsel appearing on behalf of the petitioners submitted that at the time of raid by police, incidentally petitioners were at the house of co-accused Ranjan Kumar from where alleged illicit liquor was recovered. It is submitted that even said recovery of illicit liquor appears to be made from an open place behind the house of co-accused Ranjan Kumar and not from their physical possession. While concluding the argument, it has been submitted that both petitioners are men of clean antecedents 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.



9. Learned APP opposes the prayer of bail.

10. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor appears to be made from the house of co-accused Ranjan Kumar, not from these petitioners coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 18.04.2023, accordingly both the petitioners, above named, are directed to be released on bail in connection with Bahadurpur P.S. Case No. 177 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 Judge-1, Excise Act, Darbhanga/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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