

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41604 of 2023**

Arising Out of PS. Case No.-63 Year-2023 Thana- AGIAON BAZAR District- Bhojpur

1. Birendra Musahar, Son Of Maheshwar Ram @ Maheshwar Musahar Village- Sugibal Ps- Agiaon Bazar Dist- Bhojpur
2. Nabab Musahar, Son Of Jhalak Musahar @ Jhalak Ram Village- Sugibal Ps- Agiaon Bazar Dist- Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh
For the Opposite Party/s : Mr.Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act, 2018.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 20 litres of liquor from the house of five named accused as detailed in the F.I.R., out of which, four litres of liquor was recovered from the house of petitioner no.2 and 500 litres of mahua pass was destroyed at the spot and 03 litres of liquor was recovered from the house petitioner no.1 and 100 litres of mahua pass was destroyed at the spot.

The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession. It is next submitted that the alleged recovery is from a joint family property, as such, it cannot be alleged with certainty that it were the petitioners, who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners, when admittedly, petitioners are persons with clean antecedent and they came to be implicated at the instance of Chaukidar with whom they are on inimical term.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Bhojpur at Ara in connection with Agiaon Bazar P. S. Case No.63 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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