

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40996 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- BARAULI District- Gopalganj

1. KISHAN BISWKARMA @ KISHAN VISHVAKARMA son of Prabhu Narayan Vishvakarma Village- Golabad Ps- Naugarh Dist- Chandauli U.P
2. Rakesh Biswakarma @ Rakesh Vishvakarma son of Banafal Vishvakarma Village- Golabad Ps- Naugarh Dist- Chandauli U.P
3. Indramohan Yadav @ Indra Mohan Yadav son of Ramkeval Yadav Village- Golabad Ps- Naugarh Dist- Chandauli U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

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 Barauli P.S. Case No. 198 of 2023 registered for the offence under Section 30(a)/41 of the Bihar Prohibition and Excise Act.
4. The accused/petitioners are named in the F.I.R. and are in custody since 09.05.2023.
5. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where



there is total recovery of 125.100 litres of IMFL/country made liquor from the alleged vehicle.

6. Learned counsel appearing on behalf of the petitioners submitted that all above named petitioners took a lift through alleged vehicle for a local destination, where nothing surfaced during the course of investigation to suggest that they were aware about carrying illegal consignment of illicit liquor and as such, it can be said safely that recovery of alleged illicit liquor not made from conscious physical possession of petitioners. While concluding the argument, it has been submitted that petitioner nos. 1 and 2 found involved in one more criminal case of similar nature, where they are on bail, whereas the criminal antecedent of petitioner no. 3 is clean 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 alleged recovery of illicit liquor not appears to be made from conscious physical possession of petitioners coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 09.05.2023,



accordingly, all above named petitioners are directed to be released on bail in connection with Barauli P.S. Case No. 198 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 Additional Sessions Judge II-cum-Special Judge, Excise Court No. 1, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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

