

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44482 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- HIRAMMA P.S. District- Sheohar

Rajesh Kumar @ Rajesh Sah Son of Late Parmeshwar Sah Resident Of
Village - Kadama, P.S. - Rajepur, Distt. - East Champaran

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44711 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- HIRAMMA P.S. District- Sheohar

Hiralal Rai @ Hiralal Ray Son of Vidyanand Ray R/V Rampur Yadu,Ps.
Sheohar, District- Sheohar

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47201 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- HIRAMMA P.S. District- Sheohar

1. Rahul Kumar Son of Amar Lal Chaudhari Resident of Village- Kadma, Ps-
Rajepur, Dist- East Champaran
2. Amit Kumar Son of Rajesh Chaudhari Resident of Village- Kadma, Ps-
Rajepur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44482 of 2023)

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

For the Opposite Party/s : Mr. Ahmad Ali, APP

(In CRIMINAL MISCELLANEOUS No. 44711 of 2023)

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP



(In CRIMINAL MISCELLANEOUS No. 47201 of 2023)

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023

(In Cr. Misc. No. 44482 of 2023)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Hiramma P.S. Case No. 41 of 2023 registered for the offence under Sections 30(a) Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 05.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 478.44 litres of IMFL/country made liquor from alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Hiralal Ray in furtherance of which no incriminating including illicit liquor appears to be recovered during the course of investigation as to connect him with present recovery of illicit liquor. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail



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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as no illicit liquor appears to be recovered from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Hiramma P.S. Case No. 41 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, Excise, Sheohar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(In Cr. Misc. No. 44711 of 2023)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Hiramma P.S. Case No. 41 of 2023 registered for the offence under Sections 30(a) Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and



is in custody since 03.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 478.44 litres of IMFL/country made liquor from alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner appears on the basis of suspicion as raised by local Chaukidar, where it is alleged that the petitioner was the driver of alleged vehicle from where alleged illicit liquor appears to be recovered. It is submitted that petitioner was not apprehended on spot and nothing incriminating recovered from his conscious physical possession. While concluding the argument, it has been submitted that petitioner was named in two more criminal cases of similar nature 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as petitioner not appears to be apprehended on spot alongwith recovered illicit liquor coupled with the fact that charge-sheet has already submitted, where petitioner is in



custody since 03.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Hiramma P.S. Case No. 41 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, Excise, Sheohar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(In Cr. Misc. No. 47201 of 2023)

Heard learned counsel appearing on behalf of the



petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail in connection with Hiramma P.S. Case No. 41 of 2023 registered for the offence under Sections 30(a) Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioners are not named in the F.I.R., where petitioner no. 1 and petitioner no. 2 are in custody since 04.05.2023 and 05.05.2023, respectively.

4. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 478.44 litres of IMFL/country made liquor from alleged vehicle.

5. Learned counsel appearing on behalf of the petitioners submitted that the name of both petitioners surfaced on the basis of confessional statement of co-accused, namely, Hiralal Ray in furtherance of which no incriminating including illicit liquor appears to be recovered during the course of investigation as to connect them with present recovery of illicit liquor. 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.



6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as no illicit liquor appears to be recovered from conscious physical possession of these petitioners coupled with the fact that charge-sheet has already submitted, where petitioner no. 1 and petitioner no. 2 are in custody since 04.05.2023 and 05.05.2023 respectively, accordingly, both above named petitioners are directed to be released on bail in connection with Hiramma P.S. Case No. 41 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 Judge, Excise, Sheohar/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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