

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44000 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

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1. SURAJ KUMAR @ SURAJ NONIA SON OF RAMCHANDRA NONIA
RESIDENT OF VILLAGE -BAHIYARDIH, P.S. -MADHUBAN,
DISTRICT- DHANBAD
 2. ANISH MAHATO SON OF JITU MAHATO RESIDENT OF VILLAGE-
CHITAH BASTI, P.S.- BARORA, DISTRICT -DHANBAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with
Malaypur P.S. Case No.58 of 2021 registered for the offence
under Sections 272 and 273/34 of the Indian Penal Code and
Section 30(a), 36 and 41(1) of the Bihar Prohibition and Excise
Act, 2018.

3. The accused/petitioners are not named in the
F.I.R. and are in custody since 14.02.2023.

4. The allegation against both petitioners is to
be engaged in illegal trade of illicit liquor, where, there is



recovery of 90 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that both petitioners remanded in this case from Malaypur P.S. Case No.57 of 2021, on the basis of suspicion, as surfaced, during course of investigation, in furtherance of which, no incriminating material including illicit liquor recovered from their possession. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has already submitted, where, petitioners are in custody since 14.02.2023, let both petitioners, above named, are directed to be released on bail in connection with Malaypur P.S. Case No.58 of 2021, 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 Exclusive Excise Court No.1, Jamui/concerned court,



subject to the condition as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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