

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47207 of 2023**

Arising Out of PS. Case No.-66 Year-2023 Thana- LODIPUR District- Bhagalpur

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1. ASHISH KUMAR SON OF PAWAN YADAV RESIDENT OF VILLAGE- KESHOPUR, PS- SAUR BAZAR, DIST- SAHARSA
 2. CHOTTU KUMAR SON OF RAVINDRA YADAV RESIDENT OF VILLAGE- PATRAHA, PS- MADHEPURA, DISTT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State

2. The petitioners seeks bail in connection with Lodipur
P.S. Case No. 66 of 2023 registered for the offence under Sections
332, 333, 307, 353, 427, 420 and 120-B of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioners are named in the F.I.R. and
are in custody since 07.04.2023.

4. The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 143.22 litres of IMFL/country made liquor.



5. Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is the driver of the alleged vehicle, whereas petitioner no.2 took a lift for short destination and as such nothing surfaced during the course of investigation to suggest that they were aware about consignment of illicit liquor as to suggest that alleged recovery was made from the conscious physical possession of the petitioners. While concluding the argument, it is 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from conscious physical possession, where petitioners are driver and co-passenger, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 07.04.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Lodipur P.S. Case No. 66 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge



Exclusive, Special Excise Judge 1, Bhagalpur/concerned court,
subject to the conditions as mentioned under Section 437 (3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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