

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45536 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- BAHERI District- Darbhanga

1. Md. Shamim Son Of Md. Razzaq Village Rasulpur Ps Hayaghat, District-Darbhangha
2. Md. Guddu Son Of Md. Majlum Village Rasulpur Ps Hayaghat, District-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagnnath Singh, Advocate Md. Ghulam Mustafa, Advocate Ms. Jyoti Joshi, Advocate Mr. Rakesh Kumar, Advocate
For the Opposite Party/s :		Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2023 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 Baheri
P.S. Case No. 147 of 2023 registered for the offence under
Sections 30(a)/32, 41 of the Bihar Prohibition and Excise Act,
2016 read with Section 120B, 420, 467, 468 and 471 of the
Indian Penal Code.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 12.05.2023.



5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1332.615 litres of foreign liquor from the alleged vehicles.

6. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are the residents near to place of recovery, where as matter of chance, they were present on the place of recovery and on the basis of said suspicion only, they were implicated with present case, where in furtherance thereof, no incriminating material recovered/surfaced during the course of investigation as to suggest involvement of petitioners *prima facie* with present recovery of illicit liquor. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner no. 1 is a man of clean antecedent and petitioner no. 2 found involved in one more criminal case, where he is on bail, and moreover, investigation of this case is 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 the conscious physical possession of petitioners, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 12.05.2023, accordingly, petitioners above named, is directed to be released on bail in connection with Baheri P.S. Case No. 147 of 2023 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 Special Judge-I, (Excise Act), Darbhanga/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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