

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43641 of 2023

Arising Out of PS. Case No.-915 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Chandan Chaudhary Son Of Ganaur Chaudhary Resident Of Village- Jethui
Nizamat, Industrial Area Hajipur, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 45278 of 2023

Arising Out of PS. Case No.-915 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Binod Sahni Son Of Late Prakash Sahni Resident Of Village- Marrika Bujurg,
Ps- Sarai Ranjan, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 43641 of 2023)

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

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 45278 of 2023)

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023

In Cr. Misc. No. 43641 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 Excise
Patna P.S. Case No. 915 of 2023 registered for the offence under
Sections 30(a)/56(b) of the Bihar Prohibition and Excise Act, 2018.



3. The accused/petitioner is named in F.I.R. and is in custody since 01.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 150 litres of illicit toddy from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of toddy appears to be made from e-rikshaw, which is a public carrier, where petitioner found to be seated on rear seat and, as such, it cannot be said that recovery was made from his conscious physical possession. While concluding the argument, it has been submitted that petitioner is a man 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 recovery of alleged illicit toddy appears to be made from a public carrier, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Excise Patna P.S. Case No. 915 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 Special Judge Excise,



Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

In Cr. Misc. No. 45278 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 Excise Patna P.S. Case No. 915 of 2023 registered for the offence under Sections 30(a)/56(b) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in F.I.R. and is in custody since 01.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 150 litres of illicit toddy from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of toddy appears to be made from e-rickshaw, which is a public carrier, where implication with petitioner is only being the driver of the said e-rickshaw and, as such, it cannot be said that recovery was made from his conscious physical possession. 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 recovery of alleged illicit toddy appears to be made from a public carrier coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Excise Patna P.S. Case No. 915 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 Special Judge Excise, Patna/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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