

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44251 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- BAUNSI District- Banka

NAGESHWAR YADAV Son of Kailu Yadav Resident of village - Jardaha,
Post - Jardaha, P.S. - Taljhari Lakhna, Distt. - Lakhna Jarmundi Dumka
(Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45054 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- BAUNSI District- Banka

1. DEEPAK KUMAR S/O RAMANAND RAY R/O Village- Basdi, P.S-
Cheriya Bariarpur, Distt.- Begusarai.
2. Ranjeet Nishad S/O Gopi Nishad R/O Village- Dumra Diyara, P.S-
Maranchi, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45116 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- BAUNSI District- Banka

1. ARBIND PASWAN S/O SHRILAL PASWAN R/O VILLAGE- PAHAD
CHAK, PS. MUFFASIL, DIST. BEGUSARAI
2. MD. RAJU S/O KAMRUDDIN R/O VILLAGE- MAMELI CHOWK, PS.
HABIBPUR, DIST. BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45383 of 2023



Arising Out of PS. Case No.-146 Year-2023 Thana- BAUNSI District- Banka

ASHOK YADAV S/O LAL MOHAN YADAV R/O VILLAGE- RAM
SAGAR, PS. BANDWA KURAWA, DIST. BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44251 of 2023)

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

(In CRIMINAL MISCELLANEOUS No. 45054 of 2023)

For the Petitioner/s : Mr. Pratyush Pratap Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 45116 of 2023)

For the Petitioner/s : Mr. Pratyush Pratap Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 45383 of 2023)

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

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023

IN CR. MISC. NO. 44251 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Bounsi P.S. Case No.146 of 2023 registered for the offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 23.05.2023.



4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 164.26 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver of the alleged bus, from where, recovery of illicit liquor was made, which was accessible by general public, as such it can be safely said that alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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 implication of this petitioner is only being driver of the alleged bus, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 23.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Bounsi P.S. Case No.146 of 2023, on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act-cum-A.D.J.-III, Banka/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 45054 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioners seek bail in connection with Bounsi P.S. Case No.146 of 2023 registered for the offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioners are named in the F.I.R. and are in custody since 23.05.2023.

4. The allegation against both petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 164.26 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that both petitioners are co-passenger of the alleged bus, from where, recovery of illicit liquor was made, which was accessible by general public, as such it can be safely said that alleged recovery of illicit liquor not appears to be made



from conscious physical possession of these petitioners. While concluding the argument, it is submitted that petitioners are men of clean antecedents and moreover, 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 implication of these petitioners only being co-passenger of the alleged bus, who are men of clean antecedents coupled with the fact that charge-sheet has already submitted, where, petitioners are in custody since 23.05.2023, let both petitioners, above named, are directed to be released on bail in connection with Bounsi P.S. Case No.146 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 Additional District and Sessions Judge-II, Banka/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 45116 OF 2023

Heard learned counsel appearing on behalf of the parties.



2. The petitioners seek bail in connection with Bounsi P.S. Case No.146 of 2023 registered for the offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioners are named in the F.I.R. and are in custody since 23.05.2023.

4. The allegation against both petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 164.26 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioner No.1 is conductor and petitioner No.2 is driver of the alleged bus, from where, recovery of illicit liquor was made, which was accessible by general public, as such it can be safely said that alleged recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners. While concluding the argument, it is submitted that petitioners are men of clean antecedents and moreover, 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 implication of these petitioners only being conductor and driver of the alleged bus, who are men of clean antecedents coupled with the fact that charge-sheet has already submitted, where, petitioners are in custody since 23.05.2023, let both petitioners, above named, are directed to be released on bail in connection with Bounsi P.S. Case No.146 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 Additional District and Sessions Judge-II, Banka/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 45383 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Bounsi P.S. Case No.146 of 2023 registered for the offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 23.05.2023.

4. The allegation against the petitioner is to be



engaged in illegal trade of illicit liquor, where, there is recovery of 164.26 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a conductor of the alleged bus, from where, recovery of illicit liquor was made, which was accessible by general public, as such it can be safely said that recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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 implication of this petitioner only being conductor of the alleged bus, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 23.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Bounsi P.S. Case No.146 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional District Judge-II, Banka/concerned court, subject to
the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

