

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45438 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- TEKARI District- Gaya

1. Rahul Kumar Son Of Mahesh Prasad Resident Of Village -Amau Tola ,Dwarakapuri, Ps- Tekari, Distt- Gaya
2. Chandan Kumar Son Of Umesh Yadav Resident Of Village- Chhakan Bigha Gularia Chak, Ps- Tekari, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 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 Tekari (Mau O.P.) P.S. Case No. 223 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioners are named in the F.I.R. and is in custody since 03.04.2023.

4. The allegation against the petitioners are to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 77.625 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, where during the course of investigation nothing appears to suggest as he was under knowledge to carry consignment of illicit liquor. It is further submitted that petitioner no. 2 alleged to act as liner of the alleged vehicle and was named in the present case on the basis of disclosure made by petitioner no.1. It is also submitted that recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners. While concluding the argument, it is submitted that petitioner no.1 is a man of clean antecedent and petitioner no. 2 found involved in two more criminal cases, 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioners, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 03.04.2023, accordingly, both above named



petitioners are directed to be released on bail in connection with Tekari (Mau O.P.) P.S. Case No. 223 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 Court of Exclusive Special Excise Court No.2, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioners shall not indulge in any criminal case till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioners duly supported by the documents.



(iii) That one of the bailors
shall be deponent of the present bail
petition.

(Chandra Shekhar Jha, J)

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