

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45406 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- KANTI District- Muzaffarpur

1. Gaurav Kumar S/O Nawal Kishor Chaudhary R/O Village- Kishun Nagar, P.S- Kanti, Distt.- Muzaffarpur.
2. Gunjan Kumar S/O Nawal Kishor Chaudhary R/O Village- Kishun Nagar, P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, 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 Kanti
P.S. Case No. 223 of 2023 registered for the offence under
Sections 30(a), 32(i)(ii), 36 and 41(i) of the Bihar Prohibition
and Excise Act.

3. The accused/petitioners are named in the F.I.R. and
is in custody since 24.05.2023.

4. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 408.240 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the



petitioners submitted that the alleged recovery of illicit liquor was made from three places i.e., first from the maize field, second from the car and third from the house of one co-accused, namely Nawal Kishor Chaudhary. It is further submitted that name of these petitioners surfaced on the basis of disclosure made by apprehended co-accused person, which is sufficient to suggest that no recovery was made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner 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 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 24.05.2023, accordingly, above named petitioners are directed to be released on bail in connection with Kanti 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 Special Judge (Excise), Court No.2, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioner 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/petitioner 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 petitioner 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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