

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47362 of 2023

Arising Out of PS. Case No.-1355 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. MUKESH KUMAR Son of Kari Sahani Resident of village - Kujlahi ward no. 9, P.S. - Nautan, Distt. - Bettiah (West Champaran)
 2. SAJAN KUMAR Son of Shobhi Mahato Resident of village - Srinagar, P.S. - Nauta, Distt - Bettiah (West Champaran)
 3. BHUSHAN KUMAR Son of Saral Sahani Resident of village - Baikunthawa, P.S. - Nautan, Distt. - Bettiah (West Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail in connection with Excise
P.S. Case No. 1355 of 2023 registered for the offence under
Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

3. The accused/petitioners are named in the F.I.R. and
are in custody since 29.05.2023.

4. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 204.120 litres of foreign liquor from the
alleged pick-up van.



5. Learned counsel appearing on behalf of the petitioners submitted that petitioners were not connected in any manner with alleged pick-up van from where alleged illicit liquor was recovered and as they were mere passer-by near to place of recovery, on the basis of suspicion, they were implicated with present case. It is also submitted that as petitioners were refused to be witnesses of seizure, they were implicated and ultimately police personnels becomes witnesses of seizure list. While concluding the argument, it has been submitted that petitioner nos. 1 and 2 are of clean antecedent, whereas petitioner no. 3 found involved in two more criminal cases, where he 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 and by taking note of the fact as recovery of alleged illicit liquor not appears to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 29.05.2023, accordingly, all three above named



petitioners are directed to be released on bail in connection with Excise P.S. Case No. 1355 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 Exclusive Special Excise Court No. 3, East Champaran, Motihari/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 involve in similar nature of offence 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 petitioners.

(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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