

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45446 of 2023

Arising Out of PS. Case No.-587 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Ramnarayan Mishra @ Ramayan Mishra Son Of Late Kanhaiya Mishra R/O Village - Padari, Ps- Ramkola, Distt- Kushinagar Up
 2. Sidharth Mishra Son Of Jay Prakash Mishra R/O Village - Mathiya Ramgovind, Ps- Padrauna, Distt- Kushinagar Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Yaggik Kulshertha, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, 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 Excise
P.S. Case No. 587 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
are in custody since 31.05.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 120 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioners submitted that petitioner no.1 is the driver and



petitioner no.2 being friend of petitioner no.1 took a lift for local destination, where nothing surfaced during the course of investigation as to suggest that they were aware about carrying consignment of illicit liquor and as such it can be safely said that alleged recovery of illicit liquor not appears to be made from the conscious physical possession of these petitioners. While concluding the argument, it is submitted that both petitioners are men 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as implication of petitioner no.1 appears being driver of the alleged car, whereas petitioner no.2 appears only being co-passenger, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 31.05.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Excise P.S. Case No. 587 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 Additional District
and Sessions Judge-IV-cum-Exclusive Special, Excise Court-II,
Gopalganj/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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