

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48283 of 2023

Arising Out of PS. Case No.-366 Year-2023 Thana- FATEHPUR District- Gaya

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1. Arun Kumar Son Of Late Ram Lakhan Yadav Resident Of Village - Mochrak, P.S. - Fatehpur, Distt. - Gaya
 2. Chhotu Kumar Son Of Ram Prasad Yadav Resident Of Village - Guri Survey, P.S. - Fatehpur, Distt. - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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 Fatehpur P.S. Case No.366 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition of 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 petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 107 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from the motorcycle, where petitioners are not connected in any manner with the alleged motorcycle and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical



possession of the petitioner. While concluding the argument, it is submitted that 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 recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, 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 Fatehpur P.S. Case No.366 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 Exclusive Special Excise Court No.1, Gaya/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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