

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44252 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

1. RAVI RANJAN KUMAR Son of Sri Krishna Singh Resident of village - Isarpura, P.S. - Nokha, Distt. - Rohtas
2. Ashok Kumar Son of Sri Satya Narayan Singh Resident of village - Isarpura, P.S. - Nokha, Distt. - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47435 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

CHHOTU KUMAR @ GYAN PRAKASH SON OF SATYENDRA SINGH
RESIDENT OF VILLAGE- MAHUARI, PS- BAGHAILA, DIST- ROHTAS
AT SASARAM

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44252 of 2023)

For the Petitioner/s : Mr. Alexander Ashok, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

(In CRIMINAL MISCELLANEOUS No. 47435 of 2023)

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023

IN CR. MISC. NO.44252 OF 2023

Heard learned counsel appearing on behalf

of the parties.

2. The petitioners seek bail in connection with



Excise P.S. Case No.99 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioners are named in the F.I.R. and are in custody since 16.02.2023.

4. The allegation against both petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 346.5 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that these petitioners not connected in any manner with tractor and motorcycles, from where, alleged recovery of illicit liquor appears to be made, as such, it can be safely said that alleged recovery of illicit liquor not appears to be made from 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 is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not



appears to be made from conscious physical possession of these petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioners are in custody since 16.02.2023, let both petitioners, above named, are directed to be released on bail in connection with Excise P.S. Case No.99 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No.1, Rohtas at Sasaram/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO.47435 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Excise P.S. Case No.99 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 16.02.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 346.5 litres of illicit liquor.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner not connected in any manner with alleged motorcycles and tractor and mere he was passerby near to alleged motorcycles and tractor, implicated falsely with present case of recovery of illicit liquor. It is further submitted that implication is also on the basis of suspicion, arises out of his criminal antecedents, as he found involved in 05 more criminal cases, where, he is on bail. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged illicit liquor was not recovered from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 16.02.2023, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No.99 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Judge, Court No.1,
Rohtas at Sasaram/concerned court, subject to the following
conditions:

“(i)That petitioner shall not
involve in the similar nature of offence till
the conclusion of trial, failing which, the
State shall be at liberty to move before the
Trial Court itself for the cancellation of bail
bond of the petitioner.

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

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

(Chandra Shekhar Jha, J)

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