

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49341 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- MAIRWAN District- Siwan

1. Ritik Kumar Khatti @ Rittik Kumar Khatti @ Ritik Kumar @ Wrattik Kumar Papindra Kumar Sah @ Papindra Sah Kahtii @ Papindra Sah Resident Of Village- Kabirabad Basantganj, Ward No 22, Ps- Town, Distt- Darbhanga
2. Md. Taukir Son Of Md. Mosim Resident Of Village- Sonkarpur (MUFTI), Ps- Town, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 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 Mairwa P.S. Case No. 174 of 2023 registered for the offence under Sections 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 11.06.2023.

4. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 171 litres of foreign liquor from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioners are neither owner nor driver of the alleged vehicle from where alleged illicit liquor appears to be recovered. It is



submitted that nothing surfaced during the course of investigation, which may suggest that they were aware about carrying consignment of illicit liquor. While concluding the argument, it has been 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 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 conscious physical possession of these petitioners, who are of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 11.06.2023, accordingly both the petitioners, above named, are directed to be released on bail in connection with Mairwa P.S. Case No. 174 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. 1, Siwan/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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