

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49788 of 2023

Arising Out of PS. Case No.-1027 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Chintu Kumar S/O Bhonu Rai R/O Village- Kila Road, Ps. Chowk, Dist. Patna.
 2. Vikash Kumar S/O Bali Rai R/O Village- Sukmarpur, Ps. Raghopur, Dist. Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioners seek bail in connection with Patna
Excise P.S. Case No. 1027 of 2023 registered for the offence
under Sections 30(a) 56 of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 23.06.2023.

5. The allegation against the petitioners is to be



engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 100 litres of IMFL/country made liquor from the alleged car.

6. Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor appears to be made from jointly occupied car, and as such, it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of petitioners. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner no. 1 found involved in one more criminal case, where he is on bail and petitioner no. 2 is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor appears to be made from jointly occupied car, where seizure list not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted,



where petitioners are in custody since 23.06.2023, accordingly, petitioners above named, are directed to be released on bail in connection with Patna Excise P.S. Case No. 1027 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 Special Judge, Excise, Patna, District-Patna/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) Accused/Petitioners 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 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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