

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48850 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Akash Kumar Son Of Surya Prakash Resident Of Village- Mirapur Basahi, Ps- Shivpur, Distt- Varanasi, UP.
2. Sagar Singh Son Of Binod Kumar Singh Resident Of Village- Khushhal Nagar, Ps- Shivpur, Distt- Varanasi, UP.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kiran Kumari Sharma, Advocate

For the Opposite Party/s : Ms. Asha Devi, 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. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioners seek bail in connection with
Mohaniya P.S. Case No. 235 of 2023 registered for the offence
under Section 30(a) of the Bihar Liquor Prohibition and Excise
Amendment Act, 2018.

4. The accused/petitioners are not named in the F.I.R.
and are in custody since 13.04.2023.

5. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 115.2 litres of IMFL/country made liquor from the alleged car.

6. Learned counsel appearing on behalf of the petitioners submitted that the name of petitioners surfaced during the course of investigation on the basis of suspicion for the simple reason that he was passerby of that area, where alleged recovery of illicit liquor appears to be made. It is submitted that petitioners apprehended after four days, where no incriminating material including illicit liquor recovered from their physical possession. While concluding the argument, it is submitted that petitioners are men of clean antecedents 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 as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of petitioners, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 13.04.2023, accordingly, petitioners above named, is directed to be released on bail in connection with Mohaniya P.S. Case No. 235 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) No. 1-cum-A.D.J.-IV, Kaimur at Bhabhua/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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