

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48872 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- KATEYA District- Gopalganj

1. Deelip Kumar Rai Son Of Lal Bahadur Rai Resident Of Village Gang Sargatti, Ps- Khaira, Dist- Chhapra.
2. Rakesh Rai Son Of Kedar Rai Resident Of Village Gang Sargatti, Ps- Khaira, Dist- Chhapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Ms.Pronoti Singh, 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 Kateya
P.S. Case No. 241 of 2023 registered for the offence under
Sections 414, 34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Amendment Act.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 28.05.2023.

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



recovery of 905.400 litres of foreign liquor from the truck bearing Registration No. UP61H4881.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioners took lift for a short destination from the driver of alleged vehicle and were apprehended alongwith other co-accused persons, where nothing surfaced during the course of investigation, which may suggest that they were aware about carrying consignment of illicit liquor, and as such, it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of petitioners, where petitioners are men of clean antecedents.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of petitioners, where petitioners are in custody since 28.05.2023, accordingly, petitioners above named, are directed to be released on bail in connection with Kateya P.S. Case No. 241 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 2nd Additional



Sessions Judge Cum Special Judge, Excise-1,
Gopalganj/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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