

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49401 of 2023

Arising Out of PS. Case No.-471 Year-2023 Thana- PATRAKARNAGAR District- Patna

1. RAHUL KUMAR SON OF SHIV SHANKAR RAI RESIDENT OF VILLAGE- DIDARGANJ, PS- DIDARGANJ, DISTT- PATNA
2. SATISH KUMAR SON OF MAHESH RAI RESIDENT OF VILLAGE- DIDARGANJ, PS- DIDARGANJ, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seek bail in connection with Patrakar Nagar P.S. Case No.471 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 24.06.2023.

4. The allegation against both petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 36 litres of illicit liquor.

5. Learned counsel appearing on behalf of the



petitioners submitted that alleged recovery of illicit liquor was made from jointly occupied motorcycle and as such, it cannot be said that alleged recovery was made from conscious physical possession of these petitioners. While concluding the argument, it is submitted that petitioners are men of clean antecedent.

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, where, petitioners are men of clean antecedent and in custody since 24.06.2023, let both petitioners, above named, are directed to be released on bail in connection with Patrakar Nagar P.S. Case No.471 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/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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