

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49073 of 2023

Arising Out of PS. Case No.-475 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. Ramayan Kumar Ishwar S/O Late Upendra Ishwar R/O Village-
Dashrathpur, Ps. Munsurchak, Dist. Begusarai
 2. Purushotam Kumar @ Purushattam Kumar S/O Chandramauli Singh R/O
Village- Khutha Dih, Ps.- Barhiya, Dist. Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Rana Randhir 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. The petitioners seek bail in connection with Banka
Excise Complaint Case No. 475 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 13.05.2023.

4. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 774 litres of foreign liquor from the alleged
vehicle.



5. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is the owner and petitioner no. 2 is the 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 and it can be said safely that alleged illicit liquor not appears to be made from conscious physical possession of these petitioners. 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 13.05.2023, accordingly both the petitioners, above named, are directed to be released on bail in connection with Banka Excise Complaint Case No. 475 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 Additional District and Session Judge-V,
Banka/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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