

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72306 of 2022**

Arising Out of PS. Case No.-255 Year-2022 Thana- ISUAPUR District- Saran

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1. PAPPU KURAISHI S/O Munna Kuraishi @ Mohammad Munna R/O Village- Bihta Ajmeri Nagar, P.S- Bihta, District- Patna
  2. Chandan Kumar S/O Late Radhe Shyam Ray R/O Village- Bihta Ramnagar, P.S- Bihta, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate

For the Opposite Party/s : Mohammed Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      05-04-2023                      Heard learned counsel appearing on behalf of the parties.

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

The petitioners seek bail in connection with Isuapur P.S. Case No. 255 of 2022 registered for the offence under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and are in custody since 20.11.2022.

The allegation against the petitioners is to involved in illegal trade of illicit liquor, where, a total of 640 litres of spirit



were found in their possession, while they were driving a truck as driver and co-driver.

Learned counsel appearing on behalf of the petitioner submitted that admittedly petitioner No.1 is the driver and petitioner No.2 is co-driver of the alleged vehicle, from where, spirit was alleged to be recovered. It is submitted that nothing surfaced, during course of investigation, which may suggest that both above-named petitioners were under knowledge of carrying illicit spirit, which is prohibited under law and as such, it can be said safely that recovery of alleged spirit not appears to be made from their conscious possession. It is also submitted that seizure list is also appearing doubtful, as same is not supported by independent witnesses rather by Bihar Home-guard personnels. While concluding the argument, it is submitted that petitioners are man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit spirit not appears to be made



from conscious physical possession of these petitioners, where, both petitioners are man of clean antecedent coupled with the fact that charge-sheet has already submitted, let both petitioners, above named, are directed to be released on bail in connection with Isuapur P.S. Case No. 255 of 2022, 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 Additional Sessions Judge-II-cum-Exclusive Special Judge-I, Excise, Saran, Chapra/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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