

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40871 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- BODHGAYA District- Gaya

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1. Ajay Kumar S/O Late Yogendra Choudhary R/O Village- Abjalpur, P.S- Sherghati, Distt.- Gaya.
 2. Rahul Kumar @ Gunjan Kumar S/O Rajendra Paswan R/O Village- Shekhpura, P.S- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 11-06-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.
2. The both accused/petitioners seek bail in connection with Bodh Gaya P.S. Case No. 158 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.
3. The accused/petitioners are named in the F.I.R. and are in custody since 19.03.2024.
4. The allegation against both above named



petitioners is to involve in illegal trading of illicit liquor, wherein 1.125 litres of illicit liquor alleged to be recovered from the straw house of one co-accused Pappu Kumar.

5. Learned counsel appearing on behalf of the petitioners submitted that implication of both petitioners appears on the basis of confessional statement of co-accused Nitish Kumar, who alleged to rob both petitioners, for which a separate case i.e. Magadh University P.S. Case No. 56 of 2024 was lodged by petitioner no. 1. It is further submitted that alleged illicit liquor appears to be recovered from the house of co-accused Pappu Kumar and not from these petitioners. It is pointed out that petitioner no. 1 found involved in one more criminal case of similar nature, where he is on bail, whereas petitioner no. 2 is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case is 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 aforesaid facts and circumstances, as recovery of illicit liquor not appears to be made *prima facie* from the conscious physical possession of these petitioners coupled with the fact that charge-sheet has already submitted accordingly, both above named petitioners are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Exclusive Special Excise Judge Court No. 1, Gaya/concerned court, in connection with Bodh Gaya P.S. Case No. 158 of 2024, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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