

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40912 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- Excise P.S. District- Siwan

1. Akhilesh Kumar S/o Wakil Ray
2. Ravindra Ray S/o Nagina Ray,
Both are resident of Village-Kala Diyara, P.S.-Shalimpur, Dist-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners seek bail in connection with Excise Sadar Siwan P.S. Case No.202 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Amendment Act, 2022.

3. Both the accused/petitioners are named in the FIR and is in custody since 09.04.2024.

4. Allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where there is recovery of 122.4 liters of Indian made



foreign illicit liquor from a tempo.

5. It is submitted by learned counsel for the petitioners that implication of petitioners is only for the reason that petitioner no.1 is the driver, whereas petitioner no.2 is the helper of tempo carrying consignment of illicit liquor. It is pointed out that nothing surfaced during the course of investigation, which may suggest that the petitioners were aware about carrying consignment of illicit liquor and as such, it can be said safely that recovery of illicit liquor not appear to be made from conscious physical possession of the petitioners, who are men of clean antecedent.

6. Learned APP opposes the prayer for grant of bail to the petitioners.

7. In view of above-mentioned facts and circumstances, as *prima facie* recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioners, who are men of clean antecedent, where petitioners are in custody since 09.04.2024, accordingly, both the petitioners, above-named, 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 Exclusive Special Judge, Excise-II, Siwan in connection with Excise Sadar Siwan P.S. Case No.202 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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