

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40877 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- NEORA District- Patna

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1. Viru Kumar S/O- Ram Dayal Singh, R/O Vill- Maksudpur, P. S.- FATUHA, Dist- Patna.
 2. Vishal Kumar Son Of Shailesh Ray R/O Vill- Maksudpur, P. S.- FATUHA, Dist- Patna.
 3. Devendra Saw S/O Late Etwari Saw R/O Vill- Mohanpur, Ward No-13, P. S.-RAGHOPUR, Dist-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 : Mr.Lakshmi Kant Sharma, 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 accused/petitioners seek bail in connection with Special Excise P.S. Case No. 1409 of 2024 (Arising out of Neora P.S. Case No. 61/2024) registered for the offence under Section 30(a) of the



Bihar Prohibition and Excise Amendment Act, 2018.

3. The accused/petitioners are named in the F.I.R. and are in custody since 18.04.2024.

4. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 263.5 litres of IMFL from the Tempo.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is driver, whereas petitioner no. 2 is co-passenger and petitioner no. 3 named with this case with allegation that he was the liner and escorting the tempo carrying consignment. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner nos. 1 and 2 were under knowledge to carry consignment, and as such it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of these petitioners. It is further submitted that nothing incriminating including liquor



alleged to be recovered from the possession of petitioner no. 3. It is pointed out that all petitioners are of clean antecedents and moreover, 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 and by taking note of fact as recovery of alleged illicit liquor *prima facie* not appears from the conscious physical possession of these petitioners, who are men of clean antecedents coupled with the fact that charge-sheet has already submitted accordingly, all three 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 Special Judge Excise, Danapur/concerned court, in connection with Special Excise P.S. Case No. 1409 of 2024 (Arising out



of Neora P.S. Case No. 61/2024), subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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