

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40989 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- JOKIHAT District- Araria

-
1. Jiyaul @Muskan S/O Mohd. Ubed @Md. Ubed R/O Village Chirah Hat Ward No 03 P.S. Jokihat (Mahalgaon) Distt Araria
 2. Md. Jamshed S/O Jahangir R/O Village Jahangir Nagar, Ward no. 08, P.S. and Distt-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the

State.

2. The petitioners seeks bail in connection with

Jokihat P.S. Case No. 128 of 2024 registered for the

offences under Section 30(a) of the Bihar Prohibition &

Excise Act read with Section 411 of the Indian Penal Code.

3. The petitioners are named in the F.I.R and is in

custody since 13.04.2024.

4. The allegation against the petitioners is to be

engaged in illegal trading/manufacturing of illicit liquor,



where, there is a recovery of 70 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioners took a lift for short destination from the driver of the alleged vehicle, where they were apprehended. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioners were under knowledge of consignment of illicit liquor, as such it can be said safely that recovery of illicit liquor was not made from conscious physical possession of the petitioners. It is further submitted by learned counsel that petitioners are neither owner nor driver and not connected in any manner with alleged vehicle and recovered illicit liquor. While concluding argument it is submitted that both petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such there is no chance of tampering with the evidence.

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



7. In view of the aforesaid facts and circumstances and by taking note of the fact as recovery of illicit liquor, *prima facie*, appears doubtful from the conscious physical possession of the petitioners, who are men of clean antecedent, coupled with the fact as petitioners are in custody since 13.04.2024, where charge-sheet has already submitted, accordingly both petitioners, above named are directed to be released on bail in connection with Jokihat P.S. Case No. 128 of 2024 on 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 Excise Court 2, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

