

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41073 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- Excise P.S. District- Gaya

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1. Satish Kumar Singh Son Of Late Parmanand Singh Resident Of Vill- Shree Nagar Shahpur, P.S- Aurangabad Nagar, District- Aurangabad.
 2. Niraj Kumar Son Of Kapil Prasad Resident Of Vill-Thakurbari Road Suryamandir Yamuna Nagar, P.S- Aurangabad Nagar, District- Aurangabad.
 3. Manoj Kumar Singh Son Of Late Munna Singh @ Manna Singh Resident Of Vill-Thakurbari Road Suryamandir Yamuna Nagar, P.S- Aurangabad Nagar, District- Aurangabad.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, 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 seek bail in connection with

(Sherghati) Excise P.S. Case No. 78 of 2024 registered for

the offences under Sections 30(a) & 32(C) of Bihar

Prohibition and Excise Amendment Act.

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

custody since 30.04.2024.

4. The allegation against the petitioners is to have in



possession of country made illicit liquor total of 69.120 litres and engaged in illegal trading/manufacturing of illicit liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioners were standing near the alleged car from where the illicit liquor was alleged to be recovered and merely on the basis of said suspicion, they were arrested by police in the present case. It is further submitted that these three petitioners are not connected in any manner with the alleged car or with the recovered illicit liquor. It is submitted that the facts of this case suggest that recovery of illicit liquor was not made from conscious physical possession of the petitioners. It is further submitted that petitioners were involved in two more cases, in which they are on bail. While concluding argument, learned counsel submitted that seizure list appears not supported by independent witnesses rather by police personnel and, moreover, investigation of this case is completed, charge-sheet has been submitted and, 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 factual submission as the recovery of illicit liquor from conscious physical possession of the petitioners appears *prima-facie* doubtful coupled with the fact that petitioners are in custody since 30.04.2024, where charge-sheet has already submitted, accordingly, petitioners, above named, are directed to be released on bail in connection with (Sherghati) Excise P.S. Case No. 78 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 Learned Exclusive Excise Court No. 03, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further condition that:

(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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