

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41994 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- GOPALPUR District- Gopalganj

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1. Mantu Kumar S/O Late Uma Shankar Singh Resident of Village Rampur
P.S. Jamo Bazar District Siwan
 2. Mannu Kumar Giri S/O Krishna Giri Resident of Village Rampur Mathiya
P.S. Jamo Bazar District Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 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

Gopalpur P.S. Case No. 79 of 2024 registered for the

offences under Sections 414/34 of the Indian Penal

Code and Section 30 (a) of the Bihar Prohibition and

Excise Act.

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

are in custody since 09.04.2024.

4. The allegation against the petitioners is to be



engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 405.580 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioners are neither owner of the vehicle nor connected in any manner with alleged vehicle and recovery of illicit liquor. It is submitted that petitioners took a lift for a local destination and in the meantime police raid was conducted, where alleged recovery was made. It is submitted that during the course of investigation nothing surfaced against the petitioners which may suggest, *prima facie*, that petitioners were under knowledge regarding illicit liquor, which was alleged to be recovered from the vehicle in issue. While concluding the argument it is submitted that 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 facts and circumstances as mentioned above as recovery of illicit liquor, *prima facie*, not appears to be made from the conscious physical possession of petitioners, coupled with the fact as petitioners are in custody since 09.04.2024, where charge-sheet has already submitted, accordingly, both above named, petitioners are directed to be released on bail in connection with Gopalpur P.S. Case No. 79 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 Additional District and Sessions Judge IV-cum-Exclusive Special, Excise Court IInd, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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