

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47212 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- SONO District- Jamui

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1. Rajesh Sharma Son Of Jagdish Sharma Resident Of Village - Sono, P.S. - Sono, District - Jamui
 2. Paritosh Kumar Son Of Rajesh Sharma Resident Of Village - Sono, P.S. - Sono, District - Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2024 Heard the parties.

2. The petitioners seeks bail in connection with Sono P.S. Case No. 143 of 2024 registered for the offences under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

3. The petitioners are named in the F.I.R and in custody since 26.04.2024.

4. The allegation against the petitioners is to have in possession of 333 litres of India made foreign liquor and also alleged to be involved in illegal trade connected with illicit liquor.



5. Learned counsel appearing on behalf of the petitioners submitted that both the petitioners being father and son resided in same rented house in connection with their business activity and on the basis of suspicion they were implicated with present case. It is submitted that the recovery as alleged appears from the joint possession of the petitioners and moreover the compliance of Section 100(4) of Cr.P.C. regarding search of the premises not appears to be followed. It is pointed out that seizure list appears disputed being not supported by independent witnesses rather police personnel. While concluding argument, learned counsel submitted that petitioners are the man of clean antecedent and, moreover, investigation in 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 not appears to be made prima-facie from the conscious physical possession of petitioners , who



are the man of clean antecedent coupled with the fact that charge-sheet has already been submitted, accordingly, petitioners, above named, are directed to be released on bail in connection with Sono P.S. Case No. 143 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-IIInd, Jamui/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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