

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64145 of 2024**

Arising Out of PS. Case No.-748 Year-2024 Thana- Excise P.S. District- Gaya

- 
1. Amlesh Kumar Son of Ashok Yadav Resident of Village- Karma, P.S.- Mayur Hind, Distt.- Chatra, Jharkhand
  2. Deepak Kumar Son of Gend Lal Yadav Resident of Village- Ladiya, P.S.- Rampur, Distt.- Chatra, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

---

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      11-09-2024                      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  
  
Excise P.S. Case No. 784 of 2024 registered for the  
  
offences under Sections 30(a) and 32(3) of the Bihar  
  
Prohibition and Excise Act.

3. The petitioners are named in the F.I.R. and  
  
are in custody since 26.07.2024.

4. The allegation against the petitioner is to be  
  
engage in illegal trading/manufacturing of illicit liquor,



where, there is recovery of 1330 litres of spirit, which is prohibited under Excise Law.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated with the present case, merely on the basis of suspicion as co-incidentally they passed near to place of recovery. It is submitted that fact as available through FIR is sufficient to suggest that recovery of alleged spirit was not made from the conscious physical possession of petitioners, who are men of clean antecedent. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels.

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 spirit not appears to be made from the conscious physical possession of petitioners, coupled with the fact as petitioners are in



custody since 26.07.2024, accordingly both petitioners, above named, are directed to be released on bail in connection with Excise P.S. Case No. 784 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. 3, Gaya/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 |  |
|---|--|---|--|

