

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55416 of 2022**

Arising Out of PS. Case No.-474 Year-2022 Thana- FATEHPUR District- Gaya

1. Binay Kumar @ Vinay Kumar S/o Suresh Paswan R/o Village- Kenarchatti, P.S.- Fatehpur, Distt- Gaya.
2. Pradeep Manjhi @ Pradip Manjhi S/o Moti Manjhi R/o Village- Kenarchatti, P.S.-Fatehpur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar, Advocate  
For the Opposite Party/s : Ms. Rita Verma, App

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

2      22-10-2022      Heard learned counsel appearing on behalf of the  
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of  
four weeks from today.

The petitioners seek bail in connection with Fatehpur P.S.  
Case No. 474 of 2022 registered for the offence under Section 30(a)  
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in  
custody since 25.07.2022.

The allegation against the petitioners is to be engaged in  
illegal trading/manufacturing of illicit liquor, where, there was  
recovery of 100 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners  
submitted that petitioner no. 1 is the driver and petitioner no. 2 is the  
owner of the alleged vehicle, which is tempoo being used as public



carrier and as such accessible by general public, where it cannot be said that recovery of illicit liquor was made from conscious physical possession of these petitioners, who are men of clean antecedent. While concluding the argument, it has been submitted that seizure list is not supported by independent witnesses, rather by police personnels and moreover, investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears from conscious physical possession of these petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Fatehpur P.S. Case No. 474 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. 1, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

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