

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2265 of 2022**

Arising Out of PS. Case No.-240 Year-2021 Thana- KHAGAUL District- Patna

Harpindar Singh Son of Amarjeet Singh Resident of Village - Mulobagh  
(Mulowal), P.s.- Rani Ke Chauki, Distt.- Sangrur (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

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

3      15-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

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

The petitioner seeks bail in connection with Khagaul  
P.S. Case No. 240 of 2021 registered for the offence under  
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018  
and Sections 420 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 04.10.2021.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of  
2689.875 litres of Indian made foreign liquor.



Learned counsel appearing on behalf of the petitioner submitted that nothing surfaced during the course of investigation, which may suggest that the petitioner was under knowledge to have illegal consignment of illicit liquor. It has been submitted that petitioner is a man of clean antecedent and also that one of the co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr.Misc.No. 3997 of 2022 dated 09.06.2022. While concluding the argument, it has been submitted that investigation in this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the recovery of illicit liquor is not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khagaul P.S. Case No. 240 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, subject to the following conditions:

*“(i) Accused/Petitioner 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.*

*(ii) That one of the bailors shall be father of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

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