

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3711 of 2022

Arising Out of PS. Case No.-476 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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Rakesh Sharma Son of Mr. Ashok Sharma R/O Village- Khajuria Sharma
Tola, Ward No.-1, P.S.- Govindganj, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivam, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-07-2022 Heard learned counsel appearing on behalf of the

petitioner 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 petitioner seeks bail in connection with

Govindganj P.S. Case No. 476 of 2020 registered for the offence

under Sections 272, 273 and 34 of the Indian Penal Code and

Section 30(a) of Bihar Prohibition and Excise Act.

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

custody since 29.10.2021.

The allegation against the petitioner is to involved in

illegal trading of illicit liquor, where 1989 liters of IMFL was

recovered.

Learned counsel appearing on behalf of the petitioner

submitted that the recovery is from open place (*'Dalaan'*) of the



petitioner, as such, it cannot be said from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that recovery is from open place, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Govindganj P.S. Case No. 476 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, East Champaran at Motihari, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Santosh Kumar Sharma, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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