

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4679 of 2022

Arising Out of PS. Case No.-377 Year-2021 Thana- GOGRI District- Khagaria

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AMIT KUMAR S/o Biro Yadav @ Viro Yadav Resident of Village- Chhoti
Bandehera, P.S.- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 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 Gogri
P.S. Case No. 377 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The petitioner is named in the FIR and is in
custody since 22.12.2021.

The allegation against the petitioner is that the
petitioner is having possession of 82.125 litre of illicit foreign
liquor.

Learned counsel appearing on behalf of the
petitioner submitted that recovery has not been made from



physical or conscious possession of the petitioner. While arguing over the matter, it has further been submitted that the petitioner is a man of clean antecedent and charge-sheet has already been submitted in this case, as there is no chance of tempering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that it cannot be said that the recovery has been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, recovery has not been made from the physical conscious possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, as such there is no chance of tampering with the evidence, let the petitioner, above named, are directed to be released on bail in connection with Gogri P.S. Case No.377 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) 1st, Khagari subject to the following conditions:

“(i) 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 brother of the petitioner, namely, Nitish Kumar who is the deponent of the present bail petition.”.

(Chandra Shekhar Jha, J)

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