

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7053 of 2022

Arising Out of PS. Case No.-565 Year-2021 Thana- TEKARI District- Gaya

Vikash Kumar S/O Sahjanand Sharma R/O Mohalla- Vivekanand Colony, P.S.
Tekari, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 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 Tekari
P.S. Case No. 565 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.11.2021.

The allegation against the petitioner is to have in
possession of 6.750 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery has not been made from the conscious
physical possession of the petitioner. It has further been
submitted that the house, from which the recovery has been
made, is jointly occupied by other family members, as such it



cannot be said that the recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in two other cases, as mentioned in paragraph no.3 of the bail petition, in which he is on bail in both cases. While concluding the argument, it has also been submitted that the seizure is disputed because it is not supported by independent witnesses.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has not been made from the conscious physical possession of the petitioner rather the same has been made from the house which was jointly occupied the other family members.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner rather the same has been made from the house which was jointly occupied by other family members, let the petitioner, above named, is directed to be released on bail in connection with Tekari P.S. Case No. 565 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 Additional Sessions Judge-II-cum-Special Judge Excise, Gaya, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 Ram Naresh Singh, who is uncle-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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