

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7080 of 2022

Arising Out of PS. Case No.-479 Year-2021 Thana- MALSALAMI District- Patna

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Vishal Kumar Son of Mangal Das R/O - Near Biddupur Station, P.S.-
Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 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
Malsalami P.S. Case No. 479 of 2021 registered for the offence
under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

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 have in
possession of 240 liters of country made liquor, which was
recovered from a tempo.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is the driver of the tempo and was unaware of the consignment loaded thereof, moreover, the recovery has not been made from the conscious physical possession of the petitioner. While concluding the argument, it has also been submitted that petitioner is a man of clean antecedent and chargesheet has already been submitted in this case, 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 that the petitioner is the driver of the tempo.

Considering the facts and circumstances as mentioned above, as the recovery has not been made 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 in this case, let the petitioner, above named, is directed to be released on bail in connection with Malsalami P.S. Case No. 479 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 Mangal Das, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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