

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7060 of 2022

Arising Out of PS. Case No.-797 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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Teju @ Awinash Kumar Son of Kapildeo Paswan @ Kapilnath Paswan
Resident of Village - Jhitkahiya Mai Aswthan, P.s.- Brahampura, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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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 Ahiyapur
P.S. Case No. 797 of 2020 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a), 36 and 41(i) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.12.2021.

The allegation against the petitioner is to involve in
the illegal business of liquor where there is a recovery of
1905.735 liters of illicit foreign liquor from a truck.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the
disclosure of the co-accused persons, who were apprehended. It



has further been submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in one another case, as mentioned in paragraph no.3 of the bail petition, in which he is on bail. While concluding the argument, it has also been submitted that 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 recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner 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 Ahiyapur P.S. Case No. 797 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 Special Judge (Excise) Court No.1, Muzaffarpur, 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 Kapildeo Paswan, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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