

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7056 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- BAISI District- Purnia

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Akash Kumar S/ol- Achchelal Sahni Resident of Village- Dharpur, P.S.-
Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar
For the State : Mr. Md. Nazir Ansari, 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 Baisi P.S.
Case No. 248 of 2021 registered for the offence under Sections
272, 273 and 34 of the Indian Penal Code and Sections 30(a),
38, 41 and 47 of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.08.2021.

The allegation against the petitioner is to have in
possession of 486 liters of spirit, which was recovered from a
tempo bearing Registration no. BR 06 GD 8860.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is the driver of the tempo and was unaware of the fact that liquor was loaded in the tempo. It has further been submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioner. While concluding the argument, it has further 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 petitioner is the driver of the tempo, as such, was unaware of the fact that liquor was loaded in the tempo.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner coupled with the fact that nothing surfaced during investigation as the petitioner was under knowledge of consignment of illicit foreign liquor, let the petitioner, above named, is directed to be released on bail in connection with Baisi P.S. Case No. 248 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), Purnea, 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 Ramesh Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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