

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7243 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- MATIHANI District- Begusarai

Himanshu Kumar Son of Dhirendra Singh Resident of Village- Hasanpur,
Ward No.2, P.s.- Teghra, District- Begusarai. At present residing at Village-
Ramdiri, Mahaji Dokhutti, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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 Matihani
P.S. Case No. 37 of 2021 registered for the offence under
Sections 30(a) and 32 of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.01.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor where there was recovery of
732.960 liters of illicit foreign liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the
disclosure made by chowkidar, moreover, recovery has not been



made from the conscious physical possession of the petitioner rather the same has been recovered from the alleged vehicles. It has further been submitted that petitioner is involved in two other cases and he is on bail in both cases. 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 the the 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 Matihani P.S. Case No. 37 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 Exclusive Excise Judge-I, Begusarai, 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 Babi Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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