

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7247 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- AANDAR District- Siwan

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Mukesh Kumar Son of Late Dashrath Chaudhary R/O Village- Mahuwal,
P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Nand Kumar, 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 Andar
P.S. Case No. 1 of 2022 registered for the offence under
Sections 25 (1-b)a, 26 and 35 of Arms Act and 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 05.01.2022.

The allegation against the petitioner is to have in
possession of 673.920 liters of illicit liquor alongwith one
country made pistol, which was recovered from a Bolero
vehicle.



Learned counsel appearing on behalf of the petitioner submitted that the recovery has not been made from the conscious physical possession of the petitioner rather the same has been made from a Bolero vehicle, which does not belong to the petitioner. While concluding the argument, it has also been submitted that petitioner is a man of clean antecedent, moreover, 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 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, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence, let the petitioner, above named, is directed to be released on bail in connection with Andar P.S. Case No. 1 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and



Sessions Judge-cum-Special Judge (Excise), Siwan, 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 Shree Bhagavan Pasi, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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