

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10539 of 2022**

Arising Out of PS. Case No.-26 Year-2022 Thana- JAYNAGAR District- Madhubani

SURESH KUMAR RAM @ SURESH KUMAR Son of Kusheshwar Ram
Resident of Village- Jhitkohiya, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 13-06-2022 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 Jainagar
P.S. Case No. 26 of 2022, G.R. No. 157 of 2022, registered for
the offence under Section 414 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Accused/petitioner is named in the F.I.R. and is in
custody since 28.01.2022.

The allegation against the accused/petitioner is to
engaged in selling process of illicit foreign made liquor total of
432 litres.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is a man of clean antecedent and also that charge-sheet has been submitted in the matter and there is no chance of tampering with evidence. It has also been submitted that recovery cannot be said from possession of petitioner as same has been recovered from motorcycle.

Learned APP while appearing on behalf of the State while opposing the prayer for bail had submitted that the petitioner has been apprehended from the spot but 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 of alleged foreign made liquor is not made from the conscious possession of the petitioner, coupled with the fact that the petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Jainagar P.S. Case No. 26 of 2022, G.R. No. 157 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 Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani subject to the following condition:

(i) Accused/Petitioner shall cooperate in the trial and



shall be properly represented 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 duly supported by the documents.

(ii) That one of the bailors shall be the close relative of the accused/petitioner like mother/father/sister/brother.

(Chandra Shekhar Jha, J)

Ranjeet/-

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