

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10852 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Vishal Kumar @ Ajay Kumar Son of Late Ram Sagar Paswan Resident of
Village - Ashok Nagar Pokhariya, P.s.- Town, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 Begusarai

Excise P.S. Case No. 32 of 2021 registered for the offence under

Section 30(a) of the Bihar Prohibition and Excise (Amendment)

Act, 2018.

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

custody since 08.10.2021.

The allegation against the petitioner is having

possession of 40.875 liters of foreign made liquor, as the same

has been recovered from the ground floor of the house of the



petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery cannot be said from the conscious physical possession of the petitioner for the reason that the same has been recovered from the ground floor of the house of the petitioner which is in joint occupation of other family members. It has further been submitted that provision of Section 100 Cr.P.C. has not been complied with. 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 and moreover, petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact 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 Begusarai Excise P.S. Case No. 32 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 Special Excise Court No.2, Begusarai, 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 only duly supported by the documents.

(ii) That one of the bailors shall be Nirjala Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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