

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10531 of 2022**

Arising Out of PS. Case No.-68 Year-2019 Thana- HUSSAINGANJ District- Siwan

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DASAI RAM @ NAGENDRA KUMAR RAM S/o Kalicharan Ram R/o
village- Baghauni, 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.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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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
Hussainganj P.S. Case No. 68 of 2019 registered for the offence
under Sections 30(a), 36, 38, 41(1) of the Bihar Prohibition and
Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.01.2022.

The allegation against the accused/petitioner is to
being involved in the selling process of foreign made liquor
total of 1408.320 recovered from the poultry firm.

Learned counsel appearing on behalf of the petitioner



submitted that on the basis of confessional statement of co-accused Rahul Kharwar @ Bhuara, who has already been granted bail by a Ld. co-ordinate Bench of this Court vide Cr. Misc. No. 32255 of 2019 vide order dated 16.05.2019. It has been submitted that alleged recovery is not made from the conscious possession of the petitioner. Moreover, petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that charge-sheet has been submitted in this case and there is no chance of tampering of evidence.

Learned APP while appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that no recovery is made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above as no recovery is made from the conscious physical possession of the petitioner, coupled with the fact that the charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hussainganj P.S. Case No. 68 of 2019 on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise No. 01, Siwan, 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) One of the bailors shall be close relative of the accused/petitioner like mother/father/sister/brother.

(Chandra Shekhar Jha, J)

Ranjeet/-

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