

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10511 of 2022**

Arising Out of PS. Case No.-391 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Raushan Kumar S/o- Ram Babu Singh R/o- Village - Khamhar, P.S.-
Mufassil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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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 Begusarai
Mufassil P.S. Case No. 391 of 2021 registered for the offence
under Section 120B of the Indian Penal Code and Sections 30(a)
and 42(1) of Bihar Prohibition and Excise (Amendment) Act,



2018.

The accused/petitioner is named in the F.I.R. and is in custody since 10.01.2022.

The allegation as set out in F.I.R. is that the petitioner was involved in unloading of truck having a total of 851.625 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced in the present case on suspicion which is based upon the secret information received by the police and also the mode of recovery is suggestive of the fact that the same is not from the conscious physical possession of the petitioner. It has further been submitted that the petitioner is in no way connected with the alleged consignment of the foreign liquor. While arguing over the matter, it has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. It has also been submitted that the petitioner was involved in one another case related to excise in which he is on bail.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that the 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 Mufassil P.S. Case No. 391 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 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.

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

(Chandra Shekhar Jha, J)

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