

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10932 of 2022

Arising Out of PS. Case No.-537 Year-2021 Thana- DEHRI TOWN District- Rohtas

Bhushan Kumar Deo Son of Late Ram Keshwar Deo @ Kamlesh Pratap Deo
Resident of Village - Sikani, P.s.- Meral, Distt.- Garhwa (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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 Dehri (T)
Indrapuri (O.P.) P.S. Case No. 537 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 22.09.2021.

The allegation against the petitioner is of having
illegal possession of 30 liters of illicit foreign made liquor while
travelling in car with other co-accused persons. Allegation is
also to escort a pick up van loaded with a total of 1065 liters of



foreign made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery cannot be said from the conscious possession of the petitioner for the reason that the car was accompanied by three other co-accused persons. So far allegation to escort pick van, which was loaded with illicit liquor is concerned, there is no connecting evidence surfaced during the course of investigation. 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.

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 alleged 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 Dehri (T) Indrapuri (O.P.) P.S. Case No. 537 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram, 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 Vivekanand Dev, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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