

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12453 of 2022**

Arising Out of PS. Case No.-108 Year-2021 Thana- RAJAPAKAR District- Vaishali

=====

Pappu Kumar Son of Gaya Rai R/O Village- Bakhari Barai, P.S.- Raja Pakar,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 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 Rajapakar
P.S. Case No. 108 of 2021 registered for the offence under
Sections 30(a), 32, 34, 38 and 41(i) of Bihar Prohibition and
Excise Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 05.12.2021.

The allegation against the petitioner is to involve in illegal business of illicit liquor where there is recovery of 477 liters of IMFL from the house of co-accused, namely, Raushan Kumar.

Learned counsel appearing on behalf of the petitioner submitted that it is being the admitted position that recovery of alleged IMFL is from the house of the co-accused, namely, Raushan Kumar and name of the petitioner surfaced on the basis of disclosure made by the co-accused. It has further been submitted that compliance of Section 100 of Cr.P.C. was not made and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. While concluding the argument, it has also been submitted that petitioner is involved in two similar nature of cases in which he is on bail.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from the house of the co-accused, namely, Raushan Kumar.

Considering the facts and circumstances as mentioned



above, the illicit IMFL has not been recovered 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 Rajapakar P.S. Case No. 108 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 Court, Vaishali at Hajipur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which 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 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, duly supported by



the documents.

(iii) That one of the bailors shall be
Vibha Kumari, who is the sister of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

