

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12720 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- KOILWAR District- Bhojpur

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1. Nitesh Kumar S/o Shiv Narayan Prasad R/o village- Damodarpur, P.S.- Chiksaur, District- Nalanda
 2. Ajit Kumar S/o Sri Ram Ranvijay Singh R/o village- Nayee Math, P.S.- Telhara, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-06-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Koilwar
P.S. Case No. 15 of 2022 registered for the offence under
Section 30(a) of Bihar Prohibition Liquor and Excise
(Amendment) Act, 2018.



The accused/petitioners are named in the F.I.R. and are in custody since 07.01.2022.

The allegation against the petitioners is to involve in illegal trading of illicit foreign made liquor where there is recovery of 162 liters of IMFL.

Learned counsel appearing on behalf of the petitioners submitted that the vehicle has been jointly occupied by the co-accused persons, as such, it cannot be said that the recovery has been made from the conscious physical possession of the petitioners. It has further been submitted that petitioner no.2, who is a man of clean antecedent, is the driver of the alleged vehicle and petitioner no.1 is involved in one more criminal case in which he is on bail. While concluding the argument, it has also been submitted that the seizure list is not supported by the independent witnesses, which creates a doubt over the prosecution story, moreover, 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 that the vehicle is jointly occupied by the co-accused persons.

Considering the facts and circumstances as mentioned



above, as the recovery cannot be said from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Koilwar P.S. Case No. 15 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Court-II, Bhojpur, Ara, subject to the following conditions:

“(i) That accused/petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners, duly supported by
the documents.

(iii) That one of the bailors shall be
Puja Kumari, who is the wife of petitioner
no.1 and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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