

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12091 of 2022

Arising Out of PS. Case No.-932 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

JUGANU KUMAR @ JUGUNU KUMAR S/o Late Nageshwar Sahni R/o
village- Arara, Dharhara Tola, Ward No. 5, P.S.- Hajipur Sadar, District-
Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 Hajipur
Sadar P.S. Case No. 932 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.10.2021.

The allegation against the petitioner is to be engaged
in illegal business of illicit foreign liquor, wherein, recovery of
total 141 litres of illicit liquor has been made.

Learned counsel appearing on behalf of the petitioner



submitted that it is admitted position from bare perusal of the FIR that recovery of illicit liquor has been made from the house of co-accused, namely, Rajiv Kumar Sahni and nothing surfaced during course of the investigation, which may connect the petitioner with the alleged recovery. It has further been submitted that petitioner is involved in one similar nature of case, in which, he is on bail. While concluding the argument, it has been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with, while preparing seizure list. Moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has been made from the house of co-accused.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 932 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



Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, subject to the following conditions:

“(i) That 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 Sanjay Sahani, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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