

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12531 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- JALALPUR District- Saran

Raju Kumar S/o- Punkeshwar Yadav Resident of Village - Nakta Diyara
(Digha), P.S. - Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Jalalpur
P.S. Case No. 295 of 2021 registered for the offence under
Section 30(A) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.11.2021.

The allegation against the petitioner is to involve in
illegal business of illicit foreign made liquor and to have in
possession of 369.375 liters of IMFL.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged car, from where IMFL was seized,



was found to be in occupancy of several co-accused persons also, as such, it cannot be said that the alleged recovery of illicit liquor is from the conscious physical possession of the petitioner. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent and 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 of bail fairly conceded that the alleged car was also occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit IMFL has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Jalalpur P.S. Case No. 295 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran, 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 duly supported by the documents.

(ii) That one of the bailors shall be Kunal Kumar, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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