

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13208 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Rajesh Kumar Mishra son of Shri Ram Mishra Resident of Village- Purepuri,
P.S. - Bandhuakala, District - Sultanpur (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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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 Excise
P.S. Case No. 14 of 2022 registered for the offence under
Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.01.2022.

The allegation against the petitioner is to involved in
illegal trading of IMFL and while doing so, found in possession
of 190.845 liters of IMFL.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery was made from bus, which



was jointly occupied by several persons and the petitioner was the conductor of the said bus. It has further been submitted that, in view of the multiple occupancy of the bus, it cannot be said that the recovery has been made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has further been submitted that the investigation of this case is complete 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 bus was occupied by other co-accused persons also.

Considering the facts and circumstances as mentioned above, the recovery of alleged illicit liquor 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 Excise P.S. Case No. 14 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Court No.II, Muzaffarpur, 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 Rakesh Kumar Mishra, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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