

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14603 of 2022**

Arising Out of PS. Case No.-91 Year-2021 Thana- FESHAR District- Aurangabad

Bhola Kumar @ Anil Kumar Son of Surendra Singh Resident of Village -
Fesar, P.S.- Fesar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-07-2022 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 Fesar P.S.
Case No. 91 of 2021 registered for the offence under Section
30(a) of the Bihar Prohibition And Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.01.2022.

The allegation against the petitioner is to run away
from the place of occurrence, where 138 liters of country made
liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the basis



of confessional statement of co-accused, namely, Pintu Kumar and in furtherance of the said confession, nothing incriminating recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, 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 this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said 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, let the petitioner, above named, is directed to be released on bail in connection with Fesar P.S. Case No. 91 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-IX-cum-Special Judge, Excise Act-II, Aurangabad/concerned Court, subject to the following conditions:

“(i) That 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 Surendra Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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