

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15310 of 2022**

Arising Out of PS. Case No.-185 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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AKHILESH KUMAR @ AKHILESH KUMAR YADAV Son of Chandra Deo
Rai Resident of Village - Nasariganj, P.s.- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with P. R.
Danapur P.S. Case No. 185 of 2022 registered for the offence
under Sections 30(a) and 37 (b) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery



of 100 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor has been made from the open place, not from the conscious physical possession of the petitioner. It has further been submitted that petitioner is man of clean antecedent. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner, who is man of clean antecedent 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 P.R. Danapur P.S. Case No. 185 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



Patna, 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 Chintu Rai, who is the Maternal Brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen-

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