

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15307 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- KHODAWANDPUR District- Begusarai

SHIVIA GOSWAMI @ SHIV KUMAR GOSWAMI SON OF RAM
NANDAN GOSWAMI RESIDENT OF VILLAGE- CHAKBA, P.S.
KHODAWANDPUR, DISTRICT- BEUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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
Khodawanpur P.S. Case No. 150 of 2021 registered for the
offence under Sections 120(B), 414, 465 and 477 of I.P.C. and
Sections 30(a) and 41(1) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.12.2021.

The allegation against the petitioner is to be engaged



in illegal trade of illicit liquor, where, there was total recovery of 2065.320 litres of illicit foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent. It has further been submitted that petitioner is no way connected with the alleged container. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with as regard to search and seizure. While concluding the argument, it has been submitted that 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 the container is not belongs to the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery is not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khodawanpur P.S. Case No. 150 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 The Exclusive Excise Act Judge-I, Begusarai, 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 Manoj Kumar Goswami, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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