

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15330 of 2022

Arising Out of PS. Case No.-44 Year-2020 Thana- GRIYAK District- Nalanda

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RUPESH KUMAR S/o Vijay Kumar Roy R/o village- Dayalpur Ward- 14,
P.S.- Dayalpur Sapna, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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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 Giriyaak
P.S. Case No. 44 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.01.2022

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 538.89 litres of illicit country made foreign liquor.

Learned counsel appearing on behalf of the petitioner



submitted that admittedly alleged recovery has not been made from the conscious physical possession of the petitioner and he has falsely been implicated in this case for the reason that he is owner of the pickup van from where illicit liquor alleged to be recovered. It has further been submitted that nothing has been surfaced during course of the investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It has further been submitted that the petitioner is man of clean antecedent. 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, while opposing the prayer of bail, fairly conceded the fact that petitioner has been arrested from his house being the owner of the vehicle.

Considering the facts and circumstances as mentioned above, as recovery is not 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 Giryaaak P.S. Case No. 44 of 2020 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) 1st, Bihar Shariff, Nalanda, 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 Raju Kumar, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen-

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