

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15904 of 2022

Arising Out of PS. Case No.-260 Year-2020 Thana- KAMTAUL District- Darbhanga

HANU KHAN Son of Md. Shafi Khan Resident of Village - Manda
Gulfaroshan Dalla, Kishanpura, Tahsil, Nimbaheer, P.s.- Chhoti Sadri, Distt.-
Chhatisgarh, Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, 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 Kamtaul
P.S. Case No.260 of 2020 registered for the offence under
Sections 272, 273 and 120(B) of the Indian Penal Code and
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 31.02.2021.

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



of 2421 litres of illicit liquor from four different places.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is owner of Truck bearing Registration No.RJ14GB 1017 from where 495 litres of illicit liquor was recovered allegedly. It has further been submitted that nothing has been recovered from the conscious physical possession of the petitioner. 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 been 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 alleged recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner 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 Kamtaul P.S. Case No. 260 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-1 (Excise) Darbhanga, 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 wife, 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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