

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15786 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- MATIHANI District- Begusarai

Abhinav Kumar son of Late Shankar Singh Resident Of Ramdiri Tola, Nakti,
P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the parties thorough
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 Matihani
P.S. Case No. 37 of 2021 registered for the offence under
Sections 30(a) and 32 of the Bihar Prohibition and Excise Act,
2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.01.2022.

The allegation against the petitioner is to have
involved in illegal business of illicit liquor, where 732,960 liters
of illicit liquor was recovered from the bagan of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that recovery is not from the conscious physical possession of the petitioner and also name of the petitioner surfaced on the basis of disclosure made by local chawkidar, who alleged to identify the petitioner to be involved in illegal trading of illicit liquor. It has further been submitted that petitioner is involved in three criminal cases in which he is on bail. While concluding the argument, it has been submitted that chargesheet in this case has already been submitted, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State, vehemently, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the recovery is not from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Matihani P.S. Case No. 37 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 Exclusive Excise Court No.-I, Begusarai, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Biresh Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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