

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16876 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- BUXAR District- Buxar

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Deepak Kumar Bhar Son of Late Munna Prasad @ Munna Bhar Resident of
Mohalla- Civil Line, near Masjid, Ward No. 23, Police Station- Buxar (T),
District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-07-2022 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 Buxar (T)
P.S. Case No. 291 of 2021 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 13.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where 83.160 liters of foreign
liquor was recovered.



Learned counsel appearing on behalf of the petitioner submitted that recovery is from open area (Sidhanath Ghat, Buxar). It is submitted that nothing incriminating recovered from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in two other criminal cases of similar nature, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery is from open place.

Considering the facts and circumstances as mentioned above, as recovery is from open place, as such, it cannot be said from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Buxar (T) P.S. Case No. 291 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 Special Judge Excise-I, Buxar/concerned Court, subject to the following conditions:

“(i) That petitioner shall not



involve in the similar nature of offence till the conclusion of trial, failing which, 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 Anuapurna Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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