

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15955 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- AHİYAPUR District- Muzaffarpur

Vipin Ram Son of Nagendra Ram R/O Village- Khanpur @ Baidhnathpur,
P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 102 of 2022 registered for the offence under
Section 290 of the Indian Penal Code and Section 30(a) and 36
of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.02.2022.

The allegation against the petitioner is to have in
possession of 81 liters of IMFL.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner is in no manner connected with the



alleged vehicle from where the recovery of illicit liquor has been made. It has been submitted that petitioner is neither the driver nor the owner of the alleged vehicle. It has been pointed out that petitioner is involved in other similar nature of cases in which he is on bail. While concluding the argument, it has been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is in no way connected with the alleged vehicle.

Considering the facts and circumstances as mentioned above, as the recovery has not been made 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 Ahiyapur P.S. Case No. 102 of 2022 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, Muzaffarpur, subject to the following conditions:

“(i) That accused/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 mother of the petitioner.”

(Chandra Shekhar Jha, J)

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