

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17689 of 2022

Arising Out of PS. Case No.-751 Year-2021 Thana- KUDHNI District- Muzaffarpur

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Vinay Kumar Son of Indradev Ray Resident of Village - Bhawanipur, P.S. -
Kudhni (Turki O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 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 Kudhni
P.S. Case No. 751 of 2021 registered for the offence under
Sections 272, 273, 414 and 34 of the Indian Penal Code and
Sections 30(a), 41 and 52 of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.10.2021.

The allegation against the petitioner is to involve in
illegal trading of illicit liquor, where 30 liters of illicit liquor
was recovered from a Hyundai Car.

Learned counsel appearing on behalf of the petitioner



submitted that it is admitted position that from bare perusal of the F.I.R. itself, no spirit or wrapper, as alleged in F.I.R., was recovered from the physical possession of the petitioner. 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 appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the alleged recovery is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery is not from the 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 Kudhni P.S. Case No. 751 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, 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 Indradev Ray, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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