

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18299 of 2022**

Arising Out of PS. Case No.-126 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

SUNIL KUMAR @ BAKHERWA Son of Shailendra Mahto @ Surendra Mahto Resident of Village - Medanichauki Bansipur Chaytola, P.s.- Medanichauki, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

**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 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 Medanichauki P.S. Case No. 126 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 05.10.2021.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 140



litres of country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the recovery is not made from conscious physical possession of the petitioner and seizure list is disputed as the same is not bearing signature of the petitioner, particularly in the circumstances, when it is claimed to be arrested at spot. It has further been submitted that petitioner is involved in one case of similar nature, in which, he is on bail. While concluding the argument, it has been submitted that investigation 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 seizure list is not bearing signature of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner in the background of disputed seizure list 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 Medanichauki P.S. Case No. 126 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 Additional Sessions Judge-V-cum-Exclusive Special Court No.2 Excise Act, Lakhisarai, 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 Chameli Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

U		T	
---	--	---	--

