

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18319 of 2022**

Arising Out of PS. Case No.-252 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

RAHUL KUMAR SON OF NANU RAM R/O VILLAGE- DULHERA, P.S.-
BADALI, DISTRICT- JHAJJAR (HARYANA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Umeshanand Pandit

**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

Durgawati P.S. Case No. 252 of 2021 registered for the offence

under Sections 30(a) and 41(i) of the Bihar Prohibition and

Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.11.2021.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of 162

litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, the alleged car from where recovery of illicit IMFL was made, jointly occupied by other co-accused person, as such, it cannot be said that the recovery was made from conscious physical possession of the petitioner. It has further been submitted that petitioner is a man of clean antecedent. 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 the car was jointly occupied by several persons.

Considering the facts and circumstances as mentioned above, as alleged recovery has been made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Durgawati P.S. Case No. 252 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 Session



Judge-2nd-cum-Special Judge, Kaimur at Bhabua, subject to the following conditions:

“(i)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.

(ii) That one of the bailors shall be Ravi, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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