

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17144 of 2022**

Arising Out of PS. Case No.-203 Year-2021 Thana- KUDHNI District- Muzaffarpur

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Pappu Rai @ Pappu Kumar aged about 31 years, male, Son o Deo Kunwar Rai @ Kunwardeo Rai Resident of Village- Wajitpur Kodariya, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-07-2022 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 Kudhani
(Turki O.P.) P.S. Case No. 203 of 2021, registered for the
offence under Section 30(a) of Bihar Prohibition And Excise
Act.



The accused/petitioner is named in the F.I.R. and is in custody since 29.01.2022.

The allegation against the petitioner is to run away from the place of recovery, where 98.685 liters of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Nawnit Kumar and further submitted that, in furtherance of the said confession, nothing incriminating or illicit liquor was recovered from the conscious physical possession of the petitioner. It is submitted that similarly situated co-accused has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 58485 of 2021 dated 08.04.2022. 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 recovery is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not 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 Kudhani (Turki O.P.) P.S. Case No. 203 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 Court No. II, Muzaffarpur/concerned Court, 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
Rakesh Kumar, who is the younger brother
of the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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