

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17142 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

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Himanshu Kumar aged about 25 years, Male, Son of Late Vinod Mandal
Residnet of Village - Vishambhar Patti, P.S. - Hathaudi, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, 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 Bochahan
P.S. Case No. 58 of 2021, registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of Bihar Prohibition And Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.02.2022.



The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 126 liters of foreign liquor was recovered from a Honda car bearing Registration No. WB 06D 3017.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced merely on suspicion and nothing appears against the petitioner, as per F.I.R. It is submitted that even the apprehended co-accused persons, with whom petitioner was suspected to be an associate, were not disclosed the name of the petitioner. It is further submitted that, admittedly, it is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in one another criminal case, in which he is on bail. 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 of illicit liquor 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 Bochahan P.S. Case No. 58 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 Exclusive Special Excise Court No.-1, 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
Radha Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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