

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18821 of 2022**

Arising Out of PS. Case No.-116 Year-2021 Thana- DANDARI District- Begusarai

Mannu Kumar Son of Late Bindeshwari Singh R/O Village- Khargi Tirasi,
P.S.- Ganghour, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, 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.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dandari
P.S. Case No. 116 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.12.2021.

The allegation against the petitioner is to have in
possession of 32 liters of country made liquor, which was
recovered from a motorcycle bearing Registration no. BR 09N
2219.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of illicit liquor is from the back dickey of the vehicle, which was driving by the petitioner, as such, it cannot be said that the recovery has been made from the conscious physical possession of the petitioner. It is further pointed out that petitioner is involved in one more criminal case of different nature, 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 for the State, vehemently, opposes the prayer of bail of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said 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 Dandari P.S. Case No. 116 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-1, Begusarai, 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 Ankesh Kumar, who is the elder brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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