

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18201 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- DEEPNAGAR District- Nalanda

Sanjit Kumar Son of Uday Rai @ Uday Yadav Resident of Village - Maujipur,
P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Man Mohan Kumar, Advocate
For the State	:	Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the parties thorough 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 Deepnagar P.S. Case No. 60 of 2022 registered for the offence under Sections 30(a), 32(i)(ii), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 09.03.2022.

The allegation against the petitioner is to have involved in the illegal business of illicit liquor, where 322.08 liters of foreign liquor was recovered from a truck bearing Registration No. BR 01 GC 7485.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced in this case on the basis of the disclosure made by the co-accused, namely, Jaipal Yadav and petitioner is also the brother of the owner of the truck. It has also been submitted that there is no recovery from the conscious physical possession petitioner. It has further been pointed out that petitioner is also involved in one criminal case in which he is on bail. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no recovery of illicit liquor has been made from the conscious physical possession of petitioner 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 Deepnagar P.S. Case No. 60 of 2022 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, Nalanda, Bihar-sharif, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 Ranjeet Yadav, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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