

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18495 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Vikash Kumar S/o Sri Binod Chaudhary @ Vinod Chaudhary R/o village-
Sadatpur, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, 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 Ahiyapur
P.S. Case No. 64 of 2022 registered for the offence under
Section 290 of the Indian Penal Code and Section 30(a) and 36
of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.01.2022.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where 37.245 liters of liquor was
recovered from the house of co-accused, namely, Dinesh Ram.

Learned counsel appearing on behalf of the petitioner



submitted that, admittedly, recovery is made from the house of co-accused, namely, Dinesh Ram, as such, it cannot be said from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 from the house of co-accused.

Considering the facts and circumstances as mentioned above, as recovery is from the house of the co-accused, as such, it cannot be said from the physical possession of the petitioner, who is a man of clean antecedent 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 Ahiyapur P.S. Case No. 64 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 Special Judge, Excise Court No.1, Muzaffarpur, 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 Murlidhar Choudhary, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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