

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18683 of 2022

Arising Out of PS. Case No.-532 Year-2021 Thana- GAURICHAK District- Patna

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Mukesh Kumar Sharma @ Mukesh Kumar Son of Baijnath Sharma Resident of Village - Samat Bigha, P.s.- Paras Bigha, Distt.- Jahanabad, at Present Resident of Village - Gola Road near Panchmukhi Mandir, P.s.- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-07-2022 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 Gaurichak P.S Case No. 532 of 2021 registered for the offence under Sections 30(a), 32(1)(3) and 41(1)(2) of the Bihar Prohibition And Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 02.12.2021.

The allegation against the petitioner is to have in possession of 13.875 liters of IMFL, which was recovered from a bus bearing Registration no. MH 23W 1977.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is the conductor of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner is aware of the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not 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 petitioner is the conductor of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious 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 Gaurichak P.S Case No. 532 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, Patna/concerned Court, 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 Shonam Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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