

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18336 of 2022

Arising Out of PS. Case No.-722 Year-2021 Thana- AKBARPUR District- Nawada

1. KRISHNA RAJBANSHI SON OF MUNDRIKA RAJBANSHI R/O VILLAGE- MASAI, P.S.- RAJAULI, DISTRICT- NAWADA
2. VINOD RAJBANSHI SON OF SAUDAGAR RAJBANSHI R/O VILLAGE- KARPURI NAGAR, P.S.- GOVINDPUR, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

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

The petitioners seek bail in connection with Akbarpur P.S. Case No. 722 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 22.11.2022.

The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 38



litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that as per allegation, it was petitioner no.2, who handed over the motorcycle to petitioner no.1, who apprehended with the alleged motorcycle and no way connected with either of the petitioners. It has also been submitted that seizure list is also disputed, as such, recovery cannot be said from the conscious physical possession of the petitioners. It has further been submitted that petitioner no.1 is involved in one case, in which, he is on bail and petitioner no.2 is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposes the prayer of bail and submitted that though motorcycle is not connected with the petitioner, but at present, alleged to be stolen.

Considering the facts and circumstances as mentioned above, as alleged recovery cannot be said from the conscious physical possession of the petitioners, who are man of clean antecedent coupled with the fact that charge-sheet has already



been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Akbarpur P.S. Case No. 722 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 Additional Sessions Judge-IInd, Nawada / concerned court, subject to the following conditions:

“(i) That petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners duly supported by the documents.

(iii) That one of the bailors shall be Sudam Mundrika Rajbanshi who is the brother of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R. S. Sen/-

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