

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20879 of 2022**

Arising Out of PS. Case No.-223 Year-2020 Thana- KAHALGAON District- Bhagalpur

Ramdeo Mandal Son of Ghanshyam Mandal Resident of Village - Kulkulia,
P.S. - Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-07-2022 Heard learned counsel appearing on behalf of the

petitioner 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 petitioner seeks bail in connection with
Kahalgaon (Ghogha) P.S. Case No. 223 of 2020 registered for
the offence under Section 30(a) and 56(d) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 17.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading of illicit liquor, where 32 liters of country made
liquor was recovered from a vehicle.



Learned counsel appearing on behalf of the petitioner submitted that, admittedly, the recovery is not from the conscious physical possession of the petitioner and the involvement of the petitioner in the present case is only for the reason that Registration Certificate of the vehicle is still in the name of the petitioner. It is submitted that alleged vehicle was sold by the petitioner long back in the year 2019 itself to one Jatu Paswan. 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, while opposing the prayer of bail, fairly conceded that recovery is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not 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 Kahalgaon (Ghogha) P.S. Case No. 223 of 2020 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 Act Ist, Bhagalpur/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 Puja Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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