

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19464 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- BALIGAON District- Vaishali

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Guddu Kumar @ Guddu Rai @ Rakesh Kumar S/o Chulhai Rai @
Chandrabali Roy Resident of Village- Govindpur Bela, P.S.- Baligaon,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the State : Mr. Akshay Lal Pandit, APP

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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 Baligaon
P.S. Case No. 141 of 2021 registered for the offence under
Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.02.2022.

The allegation against the petitioner is to have
involved in the illegal business of illicit liquor, where 338.04
liters of Indian made foreign liquor was recovered .



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced in this case only because he is the joint owner of the mango orchid, from where recovery has been made, which is far away from the house of the petitioner. It has also been pointed out that nothing has been recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that compliance of Section 100 Cr.P.C. was not made in the present case and, moreover, 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, vehemently, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor is from an open place, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Baligaon P.S. Case No. 141 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 Exclusive Special Excise Court-I-cum-Additional District and Sessions



Judge, Vaishali, Hajipur, 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 Premsagar Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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