

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19063 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

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Chandan Kumar Sah @ Chandan Sah Son of Dinesh Prasad Sah R/O -
Saharanpur, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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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
Kochadhaman Town P.S. Case No. 262 of 2021 registered for
the offence under Sections 272 and 273 of the Indian Penal
Code and Sections 30(a), 32, 41 and 47 of the Bihar Prohibition
and Excise Act, 2018.

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



custody since 29.01.2022.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where 111 liters of illicit foreign liquor was recovered from a vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by the driver of the alleged vehicle, from where the recovery of illicit liquor has been made. It is submitted nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge of the illegal consignment of illicit liquor. While travelling over the argument, it is submitted that registration certificate of the vehicle got transferred in the name of the petitioner only on 30.12.2021. It is pointed out that petitioner is involved in one more criminal case, in which he is on bail. While concluding the argument, it is submitted that 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 this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned



above, as recovery of illicit liquor is not from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kochadhaman Town P.S. Case No. 262 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-II-cum-Special Judge (Excise), Kishanganj/concerned court, subject to the following conditions:

“(i)That petitioner 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 petitioner.

(ii) 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.

(iii) That one of the bailors shall be Rajendra Sah, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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