

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20470 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Pradeep Kumar Son of Kanhaiya Singh Resident of Village - Bamhwar, P.S.-
Piro, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Patel, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 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 Mohania
P.S. Case No. 76 of 2022 registered for the offence under
Sections 30(a), 36 and 41(i) of Bihar Prohibition and Excise
Act, 2016 (as amended).

The accused/petitioner is named in the F.I.R. and is in
custody since 22.02.2022.

The allegation against the petitioner is to have in
possession of 140.04 liters of illicit liquor, which was recovered
from a car bearing Registration no. JH 02 AK 1996.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery is from the dickey of the alleged vehicle, which was occupied by other co-accused person, as such, it cannot be said that recovery is from the conscious physical possession of the petitioner and further 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. 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 recovery of illicit liquor cannot be said to be recovered from the physical possession of the petitioner.

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 Mohania P.S. Case No. 76 of 2022 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, Kaimur at Bhabua/concerned Court, subject to the following conditions:

“(i) That 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 Awadhesh Singh, who is the *Mausa* of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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