

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20915 of 2022**

Arising Out of PS. Case No.-54 Year-2021 Thana- PHULWARIA District- Begusarai

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Golu Kumar Son of Late Sarwan Ram R/O Village- Lakhminia, P.S.- Ballia,
District- Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate
For the Opposite Party/s : Mr. Surendra 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.

Learned counsel for the petitioner submitted that in
the prayer portion at page no.6 of the bail petition, inadvertently,
Begusarai has wrongly been omitted.

Hence, learned counsel for the petitioner is permitted
to make necessary correction during the course of the day itself.

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

The petitioner seeks bail in connection with Fulwaria
P.S. Case No. 54 of 2021 registered for the offence under



Section 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 10.02.2022.

The allegation against the petitioner is to have involve in the illegal trading of illicit liquor, where 258.48 liters of IMFL was recovered from a *thela*.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of secret information for recovery of illicit liquor from abandoned *thela*. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor and, moreover, similarly situated co-accused, namely, Banti Kumar has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 55390 of 2021 dated 24.02.2022. 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 recovery is from an abandoned *thela*, as per F.I.R.



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 chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Fulwaria P.S. Case No. 54 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 Chief Judicial Magistrate, Begusarai/concerned Court, subject to the following conditions:

“(i) That accused/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 Rubi Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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