

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21857 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Vinod Kumar son of Yogendra Mahato Resident of Village - Mohani Mandal,
Police Station - Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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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.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Complaint Case No. C-2-67 of 2022 registered for the offence

under Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

The accused/petitioner in custody since 19.02.2022.

The allegation against the petitioner is to have in

possession of 27 liters of Nepali Saufi wine.

Learned counsel appearing on behalf of the petitioner

submitted that the alleged illicit liquor was recovered from



roadside, where the alleged motorcycle was parked and petitioner has nothing to do with the said recovery of illicit liquor. It is submitted that recovery is not made from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in two other criminal cases of similar nature, in which he is on bail.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the alleged recovery is made from jute bag, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Complaint Case No. C-2-67 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 Exclusive Special Excise Court-II, Sitamarhi/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 Sanju Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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