

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21889 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- MUSAHARI District- Muzaffarpur

1. SHANKESH KUMAR SINGH @ SHANKESH S/o Pramod Kumar Singh
R/o village- Tendua Khurd, P.S.- Mohammadganj, District- Palamu, State-
Jharkhand
2. RAVI KUMAR S/o Late Baban Singh R/o village- Maya Bigha, P.S.-
Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, 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.

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

The petitioners seek bail in connection with Musahari
P.S. Case No. 28 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and
are in custody since 02.02.2022.

The allegation against the petitioners is to involve in
illegal trading of illicit liquor, where there was recovery of



147.75 liters.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner is nowhere connected with the alleged recovery of illicit liquor. It is submitted that he has been simply implicated in this case only for the reason that he was found running away from the place of recovery, on police raid. It is further submitted that the recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete for which charge-sheet 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 the petitioners are in no way connected with the alleged vehicle.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the physical possession of the petitioners, who are man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Musahari P.S. Case No. 28 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.1, Muzaffarpur, subject to the following conditions:

“(i) *Accused/Petitioners 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 Uttam Devi, who is the mother of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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