

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21783 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Raju Kumar Sharma Son of Late Maheshwar Sharma @ Maheshwar Prasad
Sharma R/O Village- Chaksaut, P.S.- Rajapakar, District- Vaishali At Hajipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 petitioner seeks bail in connection with
Kuchaikote P.S. Case No. 37 of 2022 registered for the offence
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.01.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 1533.96 liters of
foreign liquor was recovered from a DCM truck bearing
Registration no. HR 56B 4911.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of



confessional statement of co-accused persons, apprehended on the spot and in furtherance of the confessional statement, nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner. 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 appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is not made 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 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 Kuchaikote P.S. Case No. 37 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 Additional District & Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj/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) 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.

(iii) That one of the bailors shall be Dhiraj Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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