

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23770 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BAUNSI District- Banka

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1. Raja Kumar Son of Vinod Mandal R/O Village- Makduma, P.S.- Amarpur, District- Banka
 2. Amit Kumar Son of Umesh Kr. Durbey R/O Village- Makduma, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Bounsi P.S. Case No. 21 of 2022 registered for the offence under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and is in custody since 25.01.2022.

The allegation against the petitioners is to be engaged



in illegal trade/manufacturing of illicit liquor, where, there is recovery of 35 litres of IMFL from Swift Dezire car bearing registration no. BR51A-3906 .

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor from the vehicle which was jointly occupied by other co-accused persons, as such, it cannot be said to be recovered from conscious physical possession of the petitioner, who is a man of clean antecedent and, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the alleged vehicle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Bounsi P.S. Case No. 21 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-II,
Banka/concerned court, 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 Vinod Mandal, who is the father of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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