

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22773 of 2022**

Arising Out of PS. Case No.-391 Year-2021 Thana- ALOULI District- Khagaria

ABHISEKH KUMAR S/o Phulen Paswan Resident of Rampur Alauli, P.S.-
Alauli, District- Khagariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, 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

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Alauli
P.S. Case No. 391 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.11.2021.

The allegation against the petitioner is to be engaged
in illegal trade/manufacturing of illicit liquor, where, there is
recovery of 5 litres of illicit country made liquor and utensils for
preparing illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor and utensils to be used in manufacturing of said illicit liquor, cannot be said to be found from conscious physical possession of the petitioner, as same has been recovered from bamboo clumps, not belongs to the petitioner, which is accessible by general public. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already 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 recovery was made from bamboo clumps.

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 already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Alauli P.S. Case No. 391 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 Special Judge, Excise, Ist,



Khagariya/concerned court, subject to the following conditions:

“(i)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.

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

(Chandra Shekhar Jha, J)

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