

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23227 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- PHULWARIYA District- Gopalganj

SUDAMA SINGH @ ANUP SINGH S/O TEKA RAM R/o village-
Mundlana, P.S.- Gohana, Distt.- Sonipat, Hariyana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar

For the Opposite Party/s : Ms. Indu Kumari Srivastava

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
Phulwariya (Sripur) P.S. Case No. 106 of 2022 registered for the
offence under Sections 420 and 34 of the Indian Penal Code,
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
Section 184(4), 177 and 179 of the M. V. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of



196.64 litres of IMFL.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the alleged vehicle, nothing surfaced during course of investigation, which may suggest that petitioner was under knowledge of consignment of illicit liquor. 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 petitioner is driver of the alleged vehicle.

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 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 Phulwariya P.S. Case No. 106 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 ADJ-II-cum-Special Excise Judge Court No.1, Gopalganj/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 Satesh, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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