

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22798 of 2022**

Arising Out of PS. Case No.-295 Year-2021 Thana- JALALPUR District- Saran

Vishal Kumar S/O Rajendra Yadav r/o village- shahpur diyara, p.o.- Pahleza,
P.S.- Sonpur, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, (APP100)

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-07-2022 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 Jalalpur
P.S. Case No. 295 of 2021 registered for the offence under
Section 30(a), 38 and 41 of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.03.2022.

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



Learned counsel appearing on behalf of the petitioner submitted that it is being admitted position that alleged car was jointly occupied by other co-accused persons and name of the petitioner was disclosed on the basis of disclosure of co-accused, namely, Raju Kumar. It has been submitted that nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery of illegal liquor, in furtherance of the said disclosure. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged car was jointly occupied by the 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 already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jalalpur P.S.



Case No. 295 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 Court No.2 Exclusive Special
Excise, Saran at Chapra, 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
Arvind Kumar; who is the brother of the
petitioner and deponent of the present bail
petition.”*

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

U		T	
---	--	---	--

