

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22752 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- BACHHWARA RAIL P.S. District-
Begusarai

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KUNDAN KUMAR SINGH SON OF ANIL KUMAR SINGH RESIDENT
OF- GANG SARA, WARD NO.- 11 P.S.- SARAI RANJAN DIST.-
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. APP

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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

Bachhwara Rail P.S. Case No. 09 of 2022 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 21.02.2022.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of 41.14



litres of illicit liquor and 600 ml of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor has been made from under foot over bridge of Bachhwara railway station, as such, it cannot be said that the recovery has been made from the conscious physical possession of petitioner. It has further been submitted that 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 recovery has been made from public place like railway station, as per FIR.

Considering the facts and circumstances as mentioned above, as alleged recovery cannot be said from the conscious physical possession of the petitioner, as the same has been recovered from public place like railway station, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bachhwara Rail P.S. Case No. 09 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 Exclusive Special Excise Court No.2, Begusarai, 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 Anil Kumar Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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