

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23567 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

1. BIRENDRA SINGH @ KARA S/o Nawab Singh R/o Village- Ujha, P.S.- Sachor25 Chandanbag, District- Panipat (Haryana).
2. Vicky S/o Raja Ram R/o Village- Sivn, P.S.- Sivn, District- Kaithal (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, 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.

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

The petitioners seek bail in connection with
Kuchaikote P.S. Case No. 37 of 2022 registered for the offence
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 27.01.2022.

The allegation against the petitioners is to involve in
the illegal business of illicit liquor, where 1533.96 liters of
foreign liquor was recovered from a DCM truck bearing



Registration no. HR 56B 4911.

Learned counsel appearing on behalf of the petitioners submitted that name of the petitioners surfaced on the basis of confessional statement of co-accused persons, apprehended on the spot and in furtherance of the confessional statement, nothing surfaced during the course of investigation, which may connect the petitioners with the alleged recovery of illicit liquor. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioners. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is not made from the physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Kuchaikote P.S. Case No. 37 of 2022 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) That 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.

(iii) That one of the bailors shall be Raja Ram, who is the cousin father of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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