

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24362 of 2022

Arising Out of PS. Case No.-390 Year-2021 Thana- GAIGHAT District- Muzaffarpur

RAHUL SINGH Son of Sri Dhirendra Singh Resident of Village - Jarang
Tekuna, P.S. - Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, 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 Gaighat
P.S. Case No. 390 of 2021 registered for the offence under
Sections 272, 273, 414 and 34 of the Indian Penal Code and
Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.02.2022.

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



16.140 litres of IMFL.

Learned counsel appearing on behalf of the petitioner submitted that being an admitted position, the recovery of illicit liquor has not been made from the physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of disclosure made by the co-accused, namely, Raushan Kumar and Rohit Kumar, and furthermore, nothing surfaced during course of investigation, which may connect the petitioner with alleged recovery. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has 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 is made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gaighat P.S. Case No. 390 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 Exclusive Special Excise Court No.1, Muzaffarpur/concerned court, subject to the following conditions:

“(i) That petitioner 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 petitioner.

(ii) 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.

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

(Chandra Shekhar Jha, J)

R.S.Sen/-

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