

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24455 of 2022**

Arising Out of PS. Case No.-270 Year-2022 Thana- FATUA District- Patna

=====

Mohan Kumar @ Mantu Singh son of Kamla Prasad @ Kamla Singh  
Resident of Village - Madhopur Amnar, Police Station - Ekangarsarai, District  
- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, 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 Fatuha  
P.S. Case No. 270 of 2022 registered for the offence under  
Sections 30(a) and 56(c) of the Bihar Prohibition and Excise  
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 06.04.2022.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of 176.7



litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that the recovery has been made from back seat of Bolero car, which was jointly occupied by the co-accused persons, as such, it cannot be said that the recovery has been made from conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in one more case of similar nature, in which, he is on bail. 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 vehicle was jointly occupied by the other co-accused persons.

Considering the facts and circumstances as mentioned above, as the alleged recovery cannot be said from the conscious physical possession of the petitioner 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 Fatuha P.S. Case No. 270 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 Special Judge, Excise, Patna City, 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 Aditya Raj, who is the nephew of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

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