

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24920 of 2022**

Arising Out of PS. Case No.-329 Year-2021 Thana- OBRA District- Aurangabad

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KRISHNA MODI @ BITTU S/o- Ram Kumar Modi R/o- Hari Nagar, P.O.  
and P.S. - Tatisilvay, District - Ranchi, State - Jharkhand, Pin - 835103.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

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**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 Obra P.S.  
  
Case No. 329 of 2021 registered for the offence under Sections  
467, 468 and 469 of the Indian Penal Code and Sections 30(a),  
32(II) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 07.01.2022.

The allegation against the petitioner is to be engaged  
  
in illegal trading of illicit liquor, where, there is recovery of  
  
2976.645 litres of IMFL from the truck bearing registration no.



GJ-20V-9888.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of the driver, namely, Gurjeet Singh. It is submitted that admittedly, no recovery of illicit liquor has been made from conscious physical possession of the petitioner. It is also submitted that nothing surfaced during course of investigation, which may suggest that petitioner is connected in any manner with the alleged recovery of illicit liquor. It is further pointed out that petitioner involved in one(1) 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 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 no illicit liquor has been recovered from the physical possession of the petitioner, as per seizure list.

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 Obra P.S. Case No. 329 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 Additional District & Sessions Judge-IX-cum-Special Excise Judge-II, Aurangabad/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 Radha Devi, who is the relative and parvikar of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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