

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24399 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

RAJU KUMAR Son of Sriram Singh Resident of Village - Chiraiyatar, P.O.
and P.s.- Dhansoi, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bishweshwar Ram, 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

Durgawati P.S. Case No. 73 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 07.04.2022.

The allegation against the petitioner is to be engaged

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

691.20 litres of IMFL from the vehicle bearing registration no.



BR-01-GB-8551.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor is from the vehicle, where petitioner was driver of the alleged vehicle which is jointly occupied by other co-accused persons, and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in one 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 petitioner was driver of the alleged vehicle which was jointly occupied by other co-accused persons.

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 Durgawati P.S. Case No. 73 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 Court No.2, Kaimur at Bhabua/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 Dharmendra Singh, 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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