

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25612 of 2022**

Arising Out of PS. Case No.-95 Year-2021 Thana- KHAJEKALA District- Patna

ROUSHAN KUMAR Son of Late Sravan Paswan Resident of Muhalla -
Belwarganj, P.S.- Alamganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Opposite Party/s : Mr.Rabindra 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

Khajekalan P.S. Case No. 95 of 2021 registered for the offence

under Section 30(a) of the Bihar Prohibition and Excise Act,

2018 and 25(1-b)a and 26 of the Arms Act.

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

custody since 29.03.2021.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 21 litres of country made liquor from the scooty.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor is made from the scooty which was 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 is also submitted that petitioner is a man of clean antecedent. 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 alleged recovery is from the scooty 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, who is a man of clean antecedent 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 Khajekalan P.S. Case No. 95 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 Special Judge Excise,
Patna/concerned court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Rinku Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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