

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27824 of 2022**

Arising Out of PS. Case No.-1046 Year-2021 Thana- NAGAR District- Vaishali

=====

Rohit Kumar Son of Vijay Chaudhary Resident of Village - Chhoti Madai
Dhanauti, P.S. - Town Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Nidhi Anand, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 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 Hajipur
Town P.S. Case No. 1046 of 2021 registered for the offence
under Sections 30(A), 32(ii), 34(i) and 41(i)(ii) of the Bihar
Prohibition and Excise Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 27.12.2021.

The allegation against the petitioner is to be engaged in illegal business of illicit liquor, where 400.485 liters of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the recovery is made from the godown of the co-accused, namely, Abhishek Kumar, as such, it cannot be said from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is pointed out that petitioner is involved in one more criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery is not made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery is not from the conscious



physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Town P.S. Case No. 1046 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-cum-Additional District and Sessions Judge, Vaishali at Hajipur/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
Vijay Chaudhary, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

