

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24468 of 2022**

Arising Out of PS. Case No.-714 Year-2021 Thana- HISUWA District- Nawada

RAJESH KUMAR S/o Krishnandan Singh Resident of Village- Sakraurha,  
P.S.- Nalanda, District- Nalanda at Biharsharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Manoj 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 Hisua P.S.  
  
Case No. 714 of 2021 registered for the offence under Sections  
30(a), 41 and 56(B) of the Bihar Prohibition and Excise Act,  
2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 06.01.2022.

The allegation against the petitioner is to be engaged  
  
in illegal trade of illicit liquor, where, there is recovery of 67.5  
litres of IMFL from the car bearing registration no. BR27/2282.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor is from abundant car in public place, as such it cannot be said that the recovery is made from conscious physical possession of the petitioner. 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 recovery is from the abundant car was found standing in open area.

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 Hisua P.S. Case No. 714 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 Judge-1, Nawada/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 Shiv Kumar Singh, who is the cousin of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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