**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.26190 of 2022**

Arising Out of PS. Case No.-34 Year-2022 Thana- CHANDAN District- Banka

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BABULAL MURMU S/o Mangal Murmu R/o village- Bhaluatti, P.S.- Simultalla, District- Jamui

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**

ORAL ORDER

2 29-07-2022 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 Chandan P.S. Case No.34 of 2022 registered for the offence under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 27.02.2022.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 10 litres of illicit country made liquor and 750 kg of Mahua Flower.

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Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from auto, which was jointly occupied by other co-accused persons, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that the petitioner is man of clean antecedent. It has further been submitted that similarly situated co-accused person has already been granted bail by this Court through Cr. Misc. No. 21514 of 2022 dated 22.07.2022. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already 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 was made from jointly occupied auto.

Considering the facts and circumstances as mentioned above, as the alleged recovery 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 already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chandan P.S.

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Case No.34 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 Additional District and Sessions Judge II, Banka/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 Mangal Murmu, who is the father of the petitioner and deponent of the present bail petition."*

**(Chandra Shekhar Jha, J)**

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