

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25742 of 2022**

Arising Out of PS. Case No.-13 Year-2022 Thana- KOTWALI District- Munger

=====

MRITUNJAY KUMAR S/o Ashok Prasad Yadav Resident of Village- Akbar
Nagar Srirampur, P.S.- Akbar Nagar, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, 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 Kotwali
P.S. Case No. 13 of 2022 registered for the offence under
Sections 30(a) and 32 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.01.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 844 litres of IMFL from the vehicle bearing



registration no. BR 10G-7521.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither owner nor the driver of the alleged vehicle rather he took lift for a local destination. It is also submitted that nothing surfaced during course of investigation which may suggest that petitioner was under knowledge to have consignment, as regard to illicit liquor. It has further been submitted that petitioner is involved in one more 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 vehicle 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 Kotwali P.S. Case No. 13 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 Court Excise-II, Munger/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 Raju Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

