

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25805 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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Akshay Sahu Son of Bhikhar Sah Resident of Village - Kiratapur, P.s.-
Jamapur, Distt.- Darbhanga, Pin- 847203

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 26740 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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Md. Sikander Khan Son of Late Masud Ahmad Khan R/O Village- Jamalpur
Ward No.-4, P.S.- Jamalpur, District- Darbhanga. Pin- 847203

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 25805 of 2022)

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 26740 of 2022)

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022

Cr. Misc. No. 25805 of 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 Jamui



Prohibition Case No. PR JAM 44 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is in custody since 02.04.2022.

The allegation against the petitioner is to have in possession of 184.125 liters of illicit liquor, which was recovered from a Mahindra Bolero vehicle bearing Registration no. BR 19 F 8201.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner is aware of the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner, who is a man of clean antecedent.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is the driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on



bail in connection with Jamui Prohibition Case No. PR JAM 44 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 Judge, Excise-II-cum-Additional Sessions Judge-IV, Jamui/concerned Court, subject to the following conditions:

“(i) That 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 Parwati Kumari, who is the wife of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 26740 of 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.

At the outset, learned counsel for the petitioner submitted that in paragraph no.3 of the bail petition, inadvertently, criminal antecedent of the petitioner has been wrongly mentioned as clean instead, as informed, petitioner is involved in one more case of similar nature.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day.

The petitioner seeks bail in connection with Jamui Prohibition Case No. PR JAM 44 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is in custody since 02.04.2022.

The allegation against the petitioner is to have in possession of 184.125 liters of illicit liquor, which was recovered from a Mahindra Bolero vehicle bearing Registration no. BR 19 F 8201.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the co-driver/helper of the alleged vehicle and nothing surfaced during the course of investigation,



which may suggest that petitioner is aware of the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is the co-driver/helper of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Jamui Prohibition Case No. PR JAM 44 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 Judge, Excise-II-cum-Additional Sessions Judge-IV, Jamui/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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 Tauhid Ahamad Khan, who is the elder brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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