

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26433 of 2022**

Arising Out of PS. Case No.-35 Year-2022 Thana- AKHODHIGOLA District- Rohtas

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ANOJ KUMAR Son of Kameshwari Sah @ Kameshwar Shah Resident of  
Village - Baradhi, P.s.- Ankorhigola, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Pronoti Singh

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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  
Akorhigola P.S. Case No. 35 of 2022 registered for the offence  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 14.03.2022.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of  
157.68 litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from the house of the petitioner, which was jointly occupied by the 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 petitioner is a man of clean antecedent. 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 house.

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 Akorhigola P.S. Case No. 35 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 Session Judge



IInd-cum-Special Judge, Excise 1<sup>st</sup>, Rohtas at  
Sasaram/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 Kameshwari Sah @ Kameshwar Shah who is the father of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

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