

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26475 of 2022

Arising Out of PS. Case No.-545 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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VIKASH SINGH SON OF MAHESHWAR PRASAD SINGH R/O- VILL-
RAMPATI WARD NO. 8 P.S.- SINGHESHWAR DISTRICT- MADHEPURA

... .. 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 : Md. Mushtaque Alam

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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 Excise
Case No. 100 of 2021-22 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 23.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 10
litres of illicit cough syrup.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit cough syrup has been made from '*Bush*' developed behind the house of the petitioner, which is accessible by general public, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. While concluding the argument, it is 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 '*Bush*', as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery has made from '*Bush*' developed behind the house of the petitioner, cannot be said that recovery has been made from the conscious physical possession of the petitioner 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 Excise Case No. 100 of 2021-22 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 Sessions Judge-IV-cum-



Special Judge, Excise, Madhepura/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 Prakash Kumar, who is the own brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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