

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27103 of 2022
Arising Out of PS. Case No.-162 Year-2021 Thana- MUFFASIL District- Aurangabad

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Prashant Kumar S/O Vijay Kumar Singh Resident of Near B.S.N.L. Tower,
Basdeopur Chandel, P.S.- Mahnar, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, Advocate

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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 Muffasil,

Aurangabad P.S. Case No. 162 of 2021 registered for the

offence under Sections 30(a) and 41 of the Bihar Prohibition

and Excise (Amendment) Act, 2018.

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

custody since 15.03.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1323 litres of IMFL liquor from the Truck bearing registration no. BR11/0993.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of the co-accused Amod Yadav, who was the driver of the alleged vehicle and in furtherance of the said confession, no illicit liquor was recovered from the conscious physical possession of the petitioner. It is further submitted that the said Amod Yadav was granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 63177 of 2021 vide order dated 03.03.2022. It is further submitted that it is not a case of recovery, where, illicit liquor was recovered from the physical possession of the petitioner. 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 that this is not a case of recovery from the possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned



above, as 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 Muffasil, Aurangabad, P.S. Case No. 162 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Excise)-1, Aurangabad/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 Vijay Kumar Singh, who is the father of the petitioner and deponent of the present



bail petition.”

(Chandra Shekhar Jha, J)

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