

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27069 of 2022**

Arising Out of PS. Case No.-148 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Vijay Prasad @ Vijay Kumar Prasad Son of Late Mahesh Ram Resident of
Village - Badhauna, Police Station- Shakurabad, District - Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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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. 148 of 2022 registered for the offence under Sections
30(a) and 56(B) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.03.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 79.5 litres of IMFL/country made liquor from the



car bearing registration no. BR1AC-3125.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the car, which was jointly occupied by other co-accused persons, and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is also submitted that petitioner is a man of clean antecedent. 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 alleged car was also occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from conscious physical possession of the petitioner, who is a man of clean antecedent 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 Excise Case No. 148 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 Exclusive Excise Court No.3, Gaya/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 Deepak Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

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