

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27342 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

LALAN KUMAR S/o Janardan Yadav Resident of Village- Sukhasan, Police
Station- Kishanpur in the district of Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Ramesh Chandra

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

Kochadhaman P.S. Case No. 35 of 2022 registered for the

offence under Sections 30(a), 32, 41 and 47 of the Bihar

Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.02.2022.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of 180

litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was waiting for a Bus, near tea stall at Kishanganj, where recovery has been made from alleged vehicle and nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery. It is also submitted that the alleged car 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 is also submitted that petitioner is a man of clean antecedent. 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 jointly occupied car.

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 Kochadhaman



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 District and Sessions Judge-II-cum-Special Judge (Excise), Kishanganj/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 Shankar Kumar, who is the Brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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