

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31630 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- SAKRA District- Muzaffarpur

Vijay Kumar Son of Pawan Sah Resident of Village - Shrikant Simra, P.S. - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 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 Sakra P.S. Case No. 79 of 2022 registered for the offence under Sections 272, 273, 120B, 420, 467, 468 and 471 of the Indian Penal Code and Sections 30(a), 36 and 41(i)(ii) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 18.02.2022.

The allegation against the petitioner is to run away from the place of occurrence, where there was a recovery of



2,131.08 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by one of the co-accused, who has been arrested on the spot. It has been submitted that the recovery has not been made from the conscious physical possession of the petitioner. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent and, moreover, investigation is complete in this case for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of investigation, which may connect the petitioner, who is a man of clean antecedent, with the alleged recovery of illicit liquor coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Sakra P.S. Case No. 79 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 Special Excise Court No.1, Muzaffarpur, District- Muzaffarpur, 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 Vikash Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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