

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31821 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- CHAKAND District- Gaya

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Mohit Kumar Son of - Samunder Resident of 655 Chikan, Kharhar, P.S.-
Sampla, District - Jhajhar (Hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 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 Chakand
P.S. Case No. 59 of 2022 registered for the offence under
Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise
Act, 2018 and under Sections 420, 467, 468, 471 and 120(B) of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.03.2022.

The allegation against the petitioner is to have in
possession of 1776.51 liters of foreign liquor, which was



recovered from a truck.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge of illegal consignment of illicit liquor. It is submitted that recovery is not from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet 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 petitioner is the driver of the alleged vehicle, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chakand P.S. Case No. 59 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 Court of Exclusive Special Judge, Court No.1,
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
Samunder, who is the father of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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