

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26489 of 2022**

Arising Out of PS. Case No.-445 Year-2021 Thana- MINAPUR District- Muzaffarpur

Vipul Ram Son of Gopal Ram Resident of Village - Ghosaut, P.S. - Siwaipatti,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31564 of 2022

Arising Out of PS. Case No.-445 Year-2021 Thana- MINAPUR District- Muzaffarpur

Jitendra Kumar S/o- Krishana Bhagat @ Krishana Singh Resident of Village-
Bishanpur Pandey, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26489 of 2022)

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

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

(In CRIMINAL MISCELLANEOUS No. 31564 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

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

**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 Minapur,



P.S. Case No. 445 of 2021 registered for the offence under Sections 272, 273, 414, 420 and 120(B) of Indian Penal Code & section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 23.11.2022.

The allegation against the petitioner is to be involved in illegal trading/manufacturing of illicit liquor, where, there is recovery of 769.680 litres of foreign liquor from Maxi pick up van bearing registration no. BR05GA013.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was apprehended on the basis of suspicion as he was found running from the vehicle in which the illicit liquor was recovered/seized 769.680 litres from Maxi Van (BR05GA0131) and 360ml foreign liquor from Pick Up Van. It is submitted that recovery of illicit liquor is not made from the conscious physical possession of the petitioner. It is submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc.No. 13418 of 2022 dated 22.03.2022. 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 recovery is not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not 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 Minapur P.S. Case No. 445 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 learned Special Judge, Excise-1, 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 Gopal Ram, who is the father of the



*petitioner and deponent of the present bail
petition.”*

(Chandra Shekhar Jha, J)

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