

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32051 of 2022**

Arising Out of PS. Case No.-36 Year-2021 Thana- PATRAKARNAGAR District- Patna

Vishal Kumar Son of Kamlesh Rai R/O- Pandeypur Tilakbari,P.S.- Maner,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for 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 Patrakar
Nagar P.S. Case No. 36 of 2021 registered for the offence under
Sections 30(a) and 41 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.04.2022.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where there was a recovery of
1106.955 liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the basis



of disclosure made by co-accused persons. It has been submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery. It has further been submitted that petitioner is involved in one another case in which he is on bail. While concluding the argument, it has further been submitted that investigation in this case is complete for which chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail fairly conceded that the recovery has not been made from the conscious physical possession of the petitioner

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner 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 Patrakar Nagar P.S. Case No. 36 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, Patna, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Rahul Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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