

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64172 of 2021**

Arising Out of PS. Case No.-117 Year-2021 Thana- GANGABRIDGE District- Vaishali

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Binod Kumar Son of Bedhnath Sharma @ Baijnath Sharma Resident of
Village - Sahdullahpur, Ward No.8, P.S.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Anand Mohan Prasad Mehta, APP
For the Department	:	Mr. Akash Chaturvedi, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 01-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No. 117 of 2021 registered for the offence
under Sections 30(a), 32(ii), 38(i) and 41(i) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

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



custody since 01.06.2021.

The allegation against the petitioner is to involve in illegal business of illicit liquor, where 1492.890 liters of foreign liquor was recovered from a truck, 164.160 liters of foreign liquor was recovered from Tata Sumo Gold and 2800.050 liters of foreign liquor was recovered from a pick-up van.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is in no way connected with the alleged recovery of illicit liquor. It is submitted that during the course of investigation, nothing surfaced, which may suggest that petitioner was aware about the illegal consignment of illicit liquor. It is submitted that maximum allegation, against this petitioner, is to run away from the site, where illicit IMFL was recovered. It is further submitted that seizure list is disputed, as same is not supported by the independent witnesses, which is also appears in violation of Section 100(4) of the Cr.P.C. It is pointed out that petitioner is involved in one another criminal case of different nature, in which he is on bail. While concluding the argument, it is submitted that 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 appearing on behalf of the State, while



opposing the prayer of bail, fairly conceded that recovery was not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced to suggest that recovery of illicit liquor was made from the conscious physical possession of the petitioner, in the background of disputed seizure list 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 Ganga Bridge P.S. Case No. 117 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur/concerned Court, 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) That 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 Bedhnath Sharma @ Baijnath Sharma, who is the father of the petitioner and deponent of the present bail petition.”

The matter was pending for final and combined report of the Additional Chief Secretary, Prohibition and Excise, Government of Bihar, after receiving the report from different concerned departments, in terms of the order dated 06.05.2022 of this Court.

Learned Shri Akash Chaturvedi, AC to SC-11, while appearing on behalf of the Department, submitted that some time may be granted to file the desired report in this matter.

Request allowed.

Let the desired report be placed, positively within eight weeks from the date of receipt of this order, with an advance copy to learned counsel for the petitioner.



Put up this case after receipt of the report of the
Additional Chief Secretary, Prohibition and Excise, Government
of Bihar.

Put up this case on 20.10.2022.

(Chandra Shekhar Jha, J)

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