

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71287 of 2021**

Arising Out of PS. Case No.-412 Year-2021 Thana- BARAUNI District- Begusarai

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Viresh Kumar @ Biresh Kumar @ Bhulla Son of Late Abhinandan Singh
Resident of Village- Harpur Gachhi Tola, P.S.- Barauni, Refinery, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-06-2022 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 Barauni
P.S. Case No. 412 of 2021 registered for the offence under
Section 120B of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.11.2021.

The allegation against the petitioner is to have in
possession of 301.470 liters of illicit foreign liquor, which was
recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that at the time of alleged recovery of illicit foreign



liquor, the petitioner was in custody in connection with Begusarai Town P.S. Case No. 498 of 2021, subsequently, petitioner named in six different criminal cases of similar nature in which he is on bail. While concluding the argument, it has further been submitted that 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 while opposing the prayer of bail fairly conceded that at the time of alleged recovery of illicit liquor, the petitioner was in custody.

Considering the facts and circumstances as mentioned above, as the 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 Barauni P.S. Case No. 412 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Begusarai, 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 Priyamber Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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