

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71291 of 2021

Arising Out of PS. Case No.-503 Year-2020 Thana- RAJAOLI District- Nawada

Vinod Chakrabarti Son of Late Hira Chakrabarti Resident of Village- Sarla
Saranka, Police Station- Durgapur, District - Wardaman, State- West Bengal.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-07-2022 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 Rajauli
P.S. Case No. 503 of 2020 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.10.2020.

The allegation against the petitioner is to involve in
illegal trading of liquor, where 5337 liters of IMFL was
recovered.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the assistant driver/cleaner of the
truck and nothing surfaced during the course of investigation,



which may suggest that petitioner was aware of the illegal consignment of illicit liquor. It is further submitted that the said truck was also occupied by co-accused, as such, it cannot be said that recovery is 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 appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is the helper/cleaner of the alleged truck.

The report of I/C, Exclusive Special Excise Judge-2nd, Nawada vide Letter no. 135 of 2022 dated 23.06.2022 regarding stage of trial is available on record, which suggests that the case is pending for framing of charge.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest, *prima facie*, that petitioner was aware about illegal consignment of illicit liquor coupled with the fact that petitioner is a man of clean antecedent and chargesheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Rajauli P.S. Case No. 503 of 2020 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, Nawada, 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 Jaspal Singh, who is the uncle (Mama) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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