

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.953 of 2022**

Arising Out of PS. Case No.-216 Year-2021 Thana- MANER District- Patna

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Aashish Kumar @ Mattu @ Aashish @ Mattu Singh S/o Amit Singh R/o
village- Balua, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohit Shrivastava, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-07-2022 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 Maner
P.S. Case No. 216 of 2021 registered for the offence under
Sections 30(a), 36 and 41(i)(ii) of the Bihar Prohibition and
Excise Act.

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



custody since 02.11.2021.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 2130.84 liters of illicit liquor was recovered from three different vehicles.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither the driver nor the owner of the alleged vehicles, from where illicit liquor was recovered. It is submitted that, admittedly, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. It is submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused Abhishek @ Chotu Kumar, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 38377 of 2021 dated 14.12.2021. 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 this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner

Considering the facts and circumstances as mentioned



above, as recovery cannot be said from the conscious physical possession of the petitioner 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 Maner P.S. Case No. 216 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/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) 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
Ajit Kumar, who is the brother-in-law of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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