

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66010 of 2022**

Arising Out of PS. Case No.-599 Year-2022 Thana- MAHUA District- Vaishali

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Ramesh Kumar Singh @ Ramesh Kumar Son of Brahmdeo Singh R/O Vill.-
Mahua Singh Rai, P.S.- Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of 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 Mahua
P.S. Case No. 599 of 2022 registered for the offence under
Sections 30(a), 32(ii), 34(ii) and 41(ii) of the Bihar Prohibition
and Excise Act, 2018 and under Sections 414 and 34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.10.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 2434.080 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that no recovery of alleged illicit liquor was made from the physical possession of this petitioner, as he alleged to be one of the recipient of consignment, which was seized in way. It is pointed out that admittedly, recovery of alleged illicit liquor was not made from physical possession of this petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, as same was seized in way itself coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 599 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court 2nd -cum-Additional District and Sessions Judge,
Hajipur, Vaishali/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C. with further
condition:

“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.”

(Chandra Shekhar Jha, J)

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