

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66836 of 2022

Arising Out of PS. Case No.-1023 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Abhishek Kumar S/o Late Kishor Paswan R/o Village- Brajesh Nagar Wad
no. 7, P.S.- K. Hat, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 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
Khajanchi Hat P.S. Case No. 1023 of 2022 registered for the
offence under Sections 272 and 273 of the Indian Penal Code
(I.P.C.) and under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.10.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 144.15 litres of IMFL/country made liquor from



jointly occupied house of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of this petitioner, which is occupied by other family members and, as such, it can be safely said that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is pointed out that compliance of Section 100(4) of the Cr.P.C. was also not appears to be made in present case, as regard to the search of premises. 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 appears to be made from joint house, not from the conscious physical possession of this petitioner 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 Khajanchi Hat P.S. Case No. 1023 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 Judge Excise Court No. 1, Purnea/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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