

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66671 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- SAHAR District- Bhojpur

Rajesh Kumar S/o Umesh Sahani R/o Village- Sawaich, Ward no. 16, P.S.-
Sonepur, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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 Sahar P.S.

Case No. 77 of 2022 registered for the offence under Sections
420, 467, 468, 471 and 34 of the Indian Penal Code 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 18.10.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there

was recovery of 1587.600 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot and, as such, it can be said that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is submitted that petitioner involved in two (2) more cases, his name surfaced in present case also out of said suspicion arises out of his criminal antecedent. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sahar P.S. Case No. 77 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 Judge-II Bhojpur, Ara/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C with further



condition:

“That Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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