

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67100 of 2022**

Arising Out of PS. Case No.-7 Year-2021 Thana- GANGABRIDGE District- Vaishali

Indresh Kumar S/o Ramdev Singh Resident of Village- Sahdullahpur, P.S.-
Gangabridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, 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
Gangabridge P.S. Case No. 07 of 2021 registered for the offence
under Sections 30(a), 36, 41(i) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is
in custody since 14.09.2022.

The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 7685.640 litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from abundant truck, which was parked, near to a brick clean, where, name of the petitioner, surfaced on the basis of secret input, as received by police spy. It is also pointed out that petitioner is involved in 02 more criminal cases, where, he is on bail in one case and suspicion arises out of said criminal antecedents, petitioner implicated in the present case also, without having any connecting evidence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor not appears to be made from the conscious physical possession of the 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 Gangabridge P.S. Case No. 07 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 Exclusive Special Excise Court No. 1-
cum-Additional Sessions Judge, Vaishali/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 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 document.”

(Chandra Shekhar Jha, J)

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