

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68104 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

=====

RAHUL KUMAR S/o Ashwani Yadav @ Asni Yadav R/v- Lokhochak, P.S.-
Kiul, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Opposite Party/s : Ms.Rina Sinha

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Excise

P.S. Case No. 61C2 of 2022 registered for the offence under

Sections 30, 30(a), 32, 41, 56(a) and 56(b) of the Bihar

Prohibition and Excise Act, 2018.

The accused/petitioner is named in the prosecution

report and is in custody since 19.03.2022.

The allegation against the petitioner is to be engaged

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

was recovery of 90 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from jointly occupied motorcycle and, as such, it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of this petitioner. It is submitted that petitioner found involved in two more criminal cases, out of said suspicion, name of the petitioner surfaced in the present case also.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 61C2 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 Additional Sessions Judge-V-cum- Exclusive Special Court No.2, Excise Act, Lakhisarai/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)

pooja/-

U		T	
---	--	---	--

