

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67551 of 2022

Arising Out of PS. Case No.-491 Year-2022 Thana- NAUTAN District- West Champaran

Manish Kumar Son of Rajendra Prasad R/v- Bhikhana Jhori, P.S.- Sahodara,
District- West Champaran At present- R/v- Kanth Chhapara, P.S.- Pipara,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Rana Randhir 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 Nautan
P.S. Case No. 491 of 2022 registered for the offence under
Section 414 of the Indian Penal Code and 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 17.09.2022.

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



12.600 litres of foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that the motorcycle, from where, alleged recovery of illicit liquor was made, does not belong to the petitioner, which is sufficient to suggest that recovery of illicit liquor was not made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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 recovery of alleged 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 already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nautan P.S. Case No. 491 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, West Champaran/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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