

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66668 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

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RAJA KUMAR @ MAJNU Son of Yogendra Mahto Resident of Village-
Manpura, P.S.- N.H. Bangara, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 69659 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

=====

SURENDRA DAS Son of Yugeshwa Das R/V- Motipur, P.S- Tajpur, Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 71967 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

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SONU KUMAR Son of Kameshwar Singh R/V- Ababakarpur, P.S- N.H.
Bangara, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 66668 of 2022)

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 69659 of 2022)

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

(In CRIMINAL MISCELLANEOUS No. 71967 of 2022)

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP



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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022

In Cr. Misc. No. 66668 of 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 N.H. Bangra P.S. Case No. 81 of 2022 registered for the offence under Sections 272, 273 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 27.08.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 263.160 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 is a man of clean



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 N.H. Bangra P.S. Case No. 81 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 Special Excise Court-1, Samastipur/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.”

In Cr. Misc. No. 69659 of 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 N.H.
Bangra P.S. Case No. 81 of 2022 registered for the offence
under Sections 272, 273 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 17.10.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 263.160 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 six (6) more cases of similar nature, his name surfaced in present case also out of suspicion, having otherwise no bearing over the merit of the present case. 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 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 N.H. Bangra P.S. Case No. 81 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 Special Excise Court-1, Samastipur/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.”

In Cr. Misc. No. 71967 of 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 N.H. Bangra P.S. Case No. 81 of 2022 registered for the offence under Sections 272, 273 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 09.11.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 263.160 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 found involved in two (2) more cases, where he is on bail. 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 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 N.H. Bangra P.S. Case No. 81 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 Special Excise Court-1, Samastipur/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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