

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45441 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- INDUSTRIAL AREA District- Vaishali

Suraj Kumar S/O- Sanjay Roy Village- Chaksuleman Ps- Goraul Kathara Op
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with

Industrial Area P.S. Case No. 44 of 2023 registered for the

offence under Sections 272 and 273 of the Indian Penal Code

and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 21.04.2023.

4. The allegation against the petitioner is to be

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



there is recovery of 100 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner appears in this case because he is the owner cum driver of the alleged tempo, which is a public carrier. It is submitted that nothing appears during the course of investigation, as to suggest that petitioner was under knowledge to carry consignment of illicit liquor and as such it can be safely said that recovery not appears to be made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering 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, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.04.2023, accordingly, above named petitioner is directed to be released



on bail in connection with Industrial Area P.S. Case No. 44 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Judge, Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali (Hajipur)/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not indulge in any criminal case till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of 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.

(iii) That one of the bailors shall be deponent of the present bail petition.

S.Tripathi/-

(Chandra Shekhar Jha, J)

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

