

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48195 of 2023**

Arising Out of PS. Case No.-122 Year-2023 Thana- KHANPURA District- Samastipur

RAJESH KUMAR Son of Dev Narayan Mahto Resident of village - Hariya,
Bad Chakka, P.S. - Khanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-08-2023 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 Khanpur
P.S. Case No. 122 of 2023 registered for the offence under
Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 16.06.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 18 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner
submitted that on the date of recovery petitioner was attending his
examination and his motorcycle was misused by his neighbour. It
is submitted that petitioner was not apprehended on spot and as



such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in two more cases, where he is on bail in one case 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 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 16.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Khanpur P.S. Case No. 122 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 Special Judge, Excise-I, Samastipur/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.

(Chandra Shekhar Jha, J)

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