

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40593 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- DANAPUR RAIL P.S. District- Patna

Raju Kumar, Son of Nand Kishore Vishwkarma, R/o Mohalla- Belwarganj,
Ward no.-58, P.S.- Alamganj, Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Rail Danapur P.S. Case No.47 of 2024 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. The accused/petitioner named in the FIR and is
in custody since 23.03.2024.

4. Allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor,
where there is recovery of 13 liters of Indian made foreign
illicit liquor.

5. It is submitted by learned counsel for the



petitioner that alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner as alleged bag is not connected with him in any manner, where the seizure list also appear doubtful being not supported by independent witnesses rather same is supported by police personnels. While concluding argument, it is submitted that petitioner was found involved in two more criminal cases of similar nature, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.03.2024, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Danapur, Patna in connection with Rail Danapur P.S. Case No.47 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

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

(ii) That petitioner shall co-operate 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 documents.

(Chandra Shekhar Jha, J.)

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