

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57606 of 2024

Arising Out of PS. Case No.-260 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Krishana Kumar @ Feko @ Fekna Son of Rajaram Sah @ Rajaram Teli
Resident of Vill- Manjhaul Balban Toli, Ward No. 09, P.S.- Manjhaul,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the

State.

2. The petitioner seeks bail in connection with

Cheriya Bariyarpur P.S. Case No. 260 of 2022 registered for

the offences under Sections 188 and 290 of the Indian Penal

Code and Section 30(a) of the Bihar Prohibition and Excise

Act, 2018.

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

and is in custody since 12.06.2024.



4. The allegation against the petitioner is to be engaged in illegal trade of foreign liquor, where, there is recovery of 1646.67 litres of foreign liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement/disclosure of co-accused, namely, Gautam Kumar, where in furtherance thereof, no incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of recovery of illicit liquor. It is also pointed out that seizure list is doubtful being not supported by independent witnesses, rather by police personnels. It is further pointed out that petitioner is involved in 02 more criminal cases, where, he is on bail. It is also submitted that similarly situated co-accused namely Gautam Kumar has already granted bail by this court Cr. Misc. No. 68533 of 2022 vide order dated 23.12.2022. While concluding the argument, it is submitted that 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.

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

7. Considering the facts and circumstances as mentioned above, as the alleged 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 been submitted, let the petitioner, above named, is directed to be released on bail in connection with Cheriya Bariyarpur P.S. Case No. 260 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 Excise Judge-Ist, Begusarai/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS., 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.)

S.Tripathi/-

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