

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4735 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

=====

CHHOTU KUMAR S/o Late Krishna Chaudhary R/o village- Ushewa, P.S.-
Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a

period of four weeks from today.

The petitioner seeks bail in connection with Excise

P.S. Case No. 325 of 2021 registered for the offence under

Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The petitioner is named in the FIR and is in

custody since 23.11.2021.

Recovery of 90 liters of illicit *Toddy* was made

from the alleged motorcycle.

Learned counsel appearing on behalf of the

petitioner submitted that recovery has not been made from the



physical or conscious possession of the petitioner. While arguing over the matter, it has further been submitted that the petitioner is a man of clan antecedent and charge-sheet has already been submitted in this case, as such there is no chance of tampering of the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that it cannot be said that the recovery has been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, recovery has not been made from the physical conscious possession of the petitioner and coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, are directed to be released on bail in connection with Kajra P.S. Case No.139 of 2021 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 Judge, Excise, Muzaffarpur subject to the following conditions:

“(i) 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 documents.

(ii) That one of the bailors shall be brother of the petitioner, namely, Uday Chaudhary, who is the deponent of the present bail petition.”.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

