

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4970 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- SHEOHAR District- Sheohar

JATAHU BAITHA @ RAMPRAVESH BAITHA S/o Late Shankar Baitha
Resident of Village- Sheohar Ward No. 15, P.S.- Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Ms. Veena Rani Prasad, 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
Sheohar P.S. Case No. 251 of 2021 registered for the offence
under Sections 30(a) and 37(2) of the Bihar Prohibition and
Excise Act, 2018.

The petitioner is named in the FIR and is in
custody since 10.08.2021.

The allegation against the petitioner is to having in
possession of 2.4 litre of illicit country made liquor.

Learned counsel appearing on behalf of the
petitioner submitted that recovery of the illicit liquor has not



been made from the physical or conscious possession of the petitioner and the same has been recovered from the house of the petitioner, which is jointly occupied by the family members. He has further been submitted that the petitioner is involved in other 5 cases of similar nature but he is on bail in all the cases. While arguing over the matter, it has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the physical or conscious possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, are directed to be released on bail in connection with Sheohar P.S. Case No. 251 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 Additonal Session Judge 2nd – cum- Special Judge (Excise) Sheohar, subject to the following conditions:



“(i) That petitioner shall not involve in the similar nature of offence 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) 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.

(iii) That one of the bailors shall be wife of the petitioner, namely, Pinki Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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