

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7054 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- AWTARNAGAR District- Saran

Rahul Rai Son of Kishori Rai R/O Village- Saidpur Jhawan, P.S.-
Awatarnagar, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Dr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 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
Awatarnagar P.S. Case No. 272 of 2021 registered for the
offence under Sections 30 and 30(a) of Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.03.2021.

The allegation against the petitioner is to have in
possession of the 140 liters of Mahua liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the nothing incriminating has been recovered
from the conscious physical possession of the petitioner. It has



further been submitted that compliance of Section 100 of Cr.P.C. has not been made. While concluding the argument, it has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that nothing incriminating has been recovered from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Awatarnagar P.S. Case No. 272 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, Saran at Chhapra, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State



shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 documents.

(iii) That one of the bailors shall be Bhukhai Rai, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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