

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8861 of 2022

Arising Out of PS. Case No.-526 Year-2021 Thana- RAJAOLI District- Nawada

1. Krishna Bhuinya, age-50 years, Gender-Male, Son of Mahavir Bhuinya.
 2. Moti Paswan, age-55 years, Gender-Male, Son of Jamuna Paswan.
 3. Nanku Bhuinya, age-45 years, Gender-Male, Son of Chhotan Bhuinya.
- All are resident of Village- Girgi, P.S.- Rajouli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

The petitioners seek bail in connection with Rajouli
P.S. Case No. 526 of 2021 registered for the offence punishable
under Section 30 (a) (d) of the Bihar Prohibition and Excise Act,
2016.

The accusation against petitioners to have illicit
country made liquor in their possession. The petitioners are
named in the FIR and in custody since 16.12.2021.

The recovery of illicit liquor is from accused
petitioner no. 1, 10 liters accused petitioner no. 2, 8 liters and
accused petitioner no. 3, 13 liters, respectively.



It has been submitted by learned counsel appearing on behalf of the accused petitioners is that the alleged recovery has been made from the house of the petitioners, which has also been occupied by the other adult family members and as such it cannot be said that recovery was made from the exclusive physical conscious possession of the petitioners. Learned counsel further submitted that petitioners are the man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the recovery has not been made from conscious physical possession of the accused/petitioners.

Considering the facts and submissions as made above and as the recovery has not been made from the conscious physical possession of the petitioners, coupled with the fact that the petitioners are the man of clean antecedent, let the petitioners, above named, are directed to be released on bail in connection with Rajouli P.S. Case No. 526 of 2021 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge Excise Act, Nawada, subject to the following



condition:-

“(i) That accused petitioners shall not involve in the similar nature of offence during the pendency of trial, if found so, the State shall be at liberty to move before the trial Court itself for cancellation of bail of the petitioners.

(ii) That one of bailors shall be the close relative of the accused petitioners like father/mother/sister/brother.”

(Chandra Shekhar Jha, J)

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