

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7246 of 2022

Arising Out of PS. Case No.-690 Year-2021 Thana- SONEPUR District- Saran

Sanjit Kumar @ Sanjit Rai Son of Ramshankar Rai Resident of Village-
Chitrasenpur, P.S.- Sonapur, District- Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 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 Sonapur
P.S. Case No. 690 of 2021 registered for the offence under
Sections 30(a)(b)(c)(i)(ii) and 41(i) of Bihar Prohibition and
Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.11.2021.

The allegation against the petitioner is to involve in
the manufacturing and trading of illicit liquor where there was a
recovery of 219.700 liters of country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that nothing incriminating has been recovered from



the conscious physical possession of the petitioner rather the same has been recovered from the house of one co-accused, namely, Shambhu Rai. It has further been submitted that petitioner is involved in two other cases, as mentioned in paragraph no.3 of the bail petition, petitioner is on bail in both the cases. While concluding the argument, it has also 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 the the recovery has been made from the house of the co-accused, namely, Shambhu Rai.

Considering the facts and circumstances as mentioned above, as the 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 Sonapur P.S. Case No. 690 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 2nd Special Judge, Excise, Saran, 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 Mithilesh Rai, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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