

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7929 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- HATHAURI District- Muzaffarpur

Shivchandra Rai S/o Rama Ray Resident of Village- Lalpur Subidhiya Tola,
P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

The petitioner seeks bail in connection with Hathauri
P.S. Case No. 299 of 2021 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of Bihar Prohibition and Excise Act.

The petitioner is named in the F.I.R. and is in custody
since 14.12.2021.

The allegation against the accused/petitioner is to
have in possession of illicit liquor, total of 594500mL.

Learned counsel appearing on behalf of the petitioner
submitted that house from which recovery of illicit liquor has
been made, cannot be said to be in exclusive possession for the
reason that same is in occupation of other members of the



family. It has further been submitted that chargesheet has been submitted in this case, as such there is no chance of tampering with the evidence. Petitioner is a man of clean antecedent.

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

Considering the facts and submissions as made above and as the recovery has not been made from the exclusive possession of the accused petitioner coupled with the fact that chargesheet has been submitted as such there is no chance of tampering with the evidence, let the petitioner, above named, is directed to be released on bail in connection with Hathauri P.S. Case No. 299 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 Court No.1, Muzaffarpur subject to the following conditions:

“(i) That accused/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



of the petitioner.

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

(Chandra Shekhar Jha, J)

Ankit/-

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