

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8982 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Sadhu Ray @ Ami Nath Ray, aged about 40 years, Male Son of Vanvari Ray,
Resident of Village - Jagdishpur , Mohanpur, P.S.- Raghapur, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 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 C2 A No.
195 of 2021, arising out of P.R. No. 30 of 2021 registered for
the offence punishable under Sections 30 (a) 32 (B) and 36 of
the Bihar Prohibition and Excise Act, 2016.

The accusation against accused/petitioner is in illicit
possession of 907 liters of foreign liquor along with 70 liters of
sprit and 20 liters of semi finished foreign liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery has been made from the
joint house of the petitioner which has also been occupied by
the several other family members and as such it cannot be said



that the recovery has been made from the conscious physical possession. Learned counsel further submitted that the seizure list is also disputed as the same has not been supported by independent witness.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that recovery has been made from the joint house of the petitioner.

Considering the facts and submissions as made above as recovery is made from the joint house of the petitioner, coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with C2A No. 195 of 2021 arising out of P.R. No. 30 of 2021 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court Excise-2-cum-Additional Sessions Judge, Hajipur Vaishali subject to the following condition:-

“(i) That accused petitioner 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 petitioner.

(ii) That one of bailors shall be the close relative of



the accused petitioner like father/mother/sister/brother.

(iii) The accused petitioner shall be physically present on each and every date during trial, the exemption from the personal appearance be allowed only on the medical ground of the accused petitioner fully supported by documents”.

(Chandra Shekhar Jha, J)

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