

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9227 of 2022**

Arising Out of PS. Case No.-281 Year-2021 Thana- UCHKAGAON District- Gopalganj

Nand Prasad @ Nand Prasad Singh Son of Rajpat Singh Resident of Village -
Sathi, P.s.- Uchkagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with
Uchkagaon P.S. Case No. 281 of 2021 registered for the offence
under Sections 30(a) and 30(b) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.09.2021.

The allegation against the accused/petitioner is having
possession of 16 liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery has not been made from the



conscious possession of the petitioner as it is apparent from seizure list itself. 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 fairly conceded recovery has not been made from the conscious possession of the accused/petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious possession of the petitioner coupled with the fact that chargesheet has been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Uchkagaon P.S. Case No. 281 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 Additional District and Sessions Judge-II-cum-Special Judge Excise, Gopalganj, 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 properly represented 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 duly supported by the documents.

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

(Chandra Shekhar Jha, J)

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