

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9853 of 2022

Arising Out of PS. Case No.-575 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Raj Kumar @ Chhena S/O Deo Narayan Prasad R/o village- Chhatradhari
Bazar, P.S.- Bhagwan Bazar, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Bhagwan
Bazar P.S. Case No. 575 of 2021 registered for the offence
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.04.2020.

The allegation against the petitioner is involve in
illegal business of liquor.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the disclosure
made by co-accused, namely, Mithun Kumar. It has further been
submitted that nothing incriminating has been recovered from



the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in four other cases of similar nature, as mentioned in paragraph no.3 of the bail petition, and in all cases petitioner is on bail. 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 recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as 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 Bhagwan Bazar P.S. Case No. 575 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 1st Exclusive Special Judge, Excise, Saran at Chapra, 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 Deo Narayan Prasad, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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