

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9896 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- DHANAHA District- West Champaran

Anil Jaiswal @ Anil Gupta son of Late Rambijul Jaiswal Resident of Village-
Marichahawa, P.S.- Dhanha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 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 Dhanha
P.S. Case No. 191 of 2021 registered for the offence under
Sections 272, 273 and 274 of the Indian Penal Code and
Sections 30(a), 30(e), 33, 52 and 34(a)(iv) of the Bihar
Prohibition and Excise Act, 2018.

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 run away
from the manufacturing site of country made liquor, on police
raid.

Learned counsel appearing on behalf of the petitioner



submitted that alleged manufacturing site is open place and as such the alleged recovery cannot be said to be from conscious possession of the petitioner. It has further been submitted that petitioner is involved in one another case of similar nature in which he is on bail. 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 for bail fairly conceded that recovery has been made from an open place and as such the recovery cannot be said to be from conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has been made from an open place 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 Dhanha P.S. Case No. 191 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 Sessions Judge-II-cum-Special Judge, Excise, Bagaha, West Champaran, 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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