

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9596 of 2022

Arising Out of PS. Case No.-531 Year-2021 Thana- RAJAOLI District- Nawada

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Ajay Singh Son of Late Kuleshwar Singh Resident of Village- Takula Tand,
P.S.- Rajouli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Mr. Sucheta Yadav, APP

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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 Rajouli
P.S. Case No. 531 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.10.2021.

The allegation against the accused/petitioner is to
have possession of 30 liters of illicit counter made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor has not been
made from the conscious possession of the petitioner for the



reason that same has been recovered from the motorcycle, which belongs to co-accused, namely, Uday Chaudhary. It has also been submitted that after getting arrested in the present case, petitioner has been named in five cases of similar nature. 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 that recovery has not been made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious 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 Rajouli P.S. Case No. 531 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 Act, Nawada, 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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