

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10529 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- CHAPRA TOWN District- Saran

BHOLA SAH S/o Ramji Prasad Resident of Mohalla- Sahebganj Sonarpatti,
P.S.- Town Thana, District Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwari

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 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 Town P.S.
Case No. 115 of 2021, registered for the offence under Sections
30(a), 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.02.2021.

The allegation against the accused/petitioner to have
in possession of foreign made illicit liquor total of 5 litre 250
ml.

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



conscious physical possession of the accused/petitioner. It has also been submitted that seizure list is not supported by the independent witness. It is submitted as regard to the criminal antecedent, that the petitioner involved in three more cases of similar nature and in all three cases he is on bail. It has submitted that charge-sheet has already been submitted and there is no chance of tampering of evidence.

Learned APP while appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that the recovery is not made from the physical possession of the accused/petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery is not made from the conscious physical possession of the accused/petitioner, coupled with the fact that the charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chapra Town P.S. Case No. 115 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran, subject to the following condition:

“(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 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)

Ranjeet/-

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