

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10061 of 2022

Arising Out of PS. Case No.-281 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RAMDEV SADA S/o Late Sanichar Sada R/o village- Jitwarpur Chauth, P.S.-
Samastipur (Mufassil), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. APP

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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 Excise
P.S. Case No. 281 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.10.2021.

The allegation against the petitioner is to have in
possession of total 312.12 litres of illicit country made foreign
liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery has been made from the house of the petitioner, which is jointly occupied by the other family members, as such, it cannot be said that the recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that the petitioner is man of clean antecedent. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from the joint house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, who is man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Excise 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 Sessions Judge II-cum-Special Judge Excise, Samastipur, subject to the following



conditions:

“(i) 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 Sundar Devi, who is the daughter-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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