

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11084 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- BAIRIYA District- West Champaran

Radheshyam Sah son of Birbali Sah @ Birbal Sah Resident Of Village -
Pakhnaha Jagiraha, Police Station - Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the State : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the parties thorough
virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bairiya
P.S. Case No. 223 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 04.01.2022.

The allegation against the petitioner is to run away
from the place of occurrence where 49.200 liters of country
made liquor was recovered from the half constructed house of
the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged illicit liquor is recovered from the half constructed house of the petitioner and, as such, same cannot be said from the conscious physical possession of the petitioner, as same was not occupied. It has further been submitted that petitioner is a man of clean antecedent and, moreover, chargeheet of this case has already been submitted, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail of petitioner fairly conceded that recovery is from half constructed house, as per seizure list.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Bairiya P.S. Case No. 223 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 Special Judge Excise, Bettiah, West Champaran, 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.

(ii) That one of the bailors shall be Raju Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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