

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11401 of 2022**

Arising Out of PS. Case No.-690 Year-2021 Thana- SONEPUR District- Saran

Sanjay Rai @ Sanjay Ray son of Deoraj Rai Resident Of Village -
Chitrasenpur, P.S.- Sonapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Mohan Singh, Advocate

For the State : Mr. Pronoti Singh, 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 Sonapur
P.S. Case No. 690 of 2021 registered for the offence under
Sections 30(a)(b)(c)(i)(ii) and 41(i) of the Bihar Prohibition and
Excise Act, 2016.

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 have in
involved in the illegal business of illicit liquor, where there was
219.700 liters of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that alleged illicit liquor was recovered from the
house of the peititoner, which is jointly occupied by other



family members. It is also submitted that nothing incriminating recovered from the conscious physical possession of the petitioner. It has also been submitted that the petitioner is also involved in two criminal cases in which he is on bail. While concluding the argument, learned counsel for the petitioner submitted that Section 100 of Cr.P.C. is not complied with and, moreover, chargesheet in 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 fairly conceded that recovery has been made from the joint house of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery is not from the conscious physical 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 Sonapur P.S. Case No. 690 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-Exclusive Special Judge Excise, Saran, 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 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 Mira Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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