

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12017 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- CHOUTARWA District- West
Champaran

Prabhu Gond @ Prabhu Sah Son of Late Kishuni Gond Resident of Village -
Salaha, P.s.- Chautarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through 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
Chautarwa P.S. Case No. 359 of 2021 registered for the offence
under Sections 30(a)(b)(c) and 37(c) of Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.12.2021.

The allegation against the petitioner is to have in
possession of 65 liters of jaggery solution, which was recovered



from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of jaggery solution 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. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from house of the petitioner which is jointly occupied by the other family members.

Considering the facts and circumstances as mentioned above, as recovery has been made from the house of the petitioner, which is jointly occupied by other family members 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 Chautarwa P.S. Case No. 359 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, Bagaha, 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 Anil Gond @ Anil Sah, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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