

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12541 of 2022**

Arising Out of PS. Case No.-544 Year-2021 Thana- GOGRI District- Khagaria

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Raj Kumar Son of Mahendra Sah R/O Village- Badi Pasraha, P.S.- Pasraha,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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 Gogri P.S.
Case No. 544 of 2021 registered for the offence under Section
30(c) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.11.2021.



The allegation against the petitioner is to involve in manufacturing of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by the co-accused Gandouri Yadav and also that during the course of investigation, nothing surfaced, which may connect the petitioner with the seized chemicals, which was alleged to be used for the manufacturing of illicit liquor in furtherance of the disclosure of co-accused. It has further been submitted that the seizure list is not supported by the independent witnesses, which creates a doubt. It has also been submitted that chargesheet has already been submitted in this case, 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 name of the petitioner surfaced on the basis of disclosure made by co-accused

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of disclosure made by the co-accused Gandouri Yadav having nothing to connect the petitioner with the alleged recovery of chemicals alleged to be used for the manufacturing of illicit



liquor 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 Gogri P.S. Case No. 544 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, Khagaria, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which 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 Mahendra Sah, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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