

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12174 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- DANDARI District- Begusarai

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RAM UDAY TANTI Son of Late Chhechan Tanti @ Chhechan Tanti Resident
of Village- Bank, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, 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 Dandari
P.S. Case No. 94 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 16.12.2021.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor, where, there is recovery of 10
litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of illicit liquor has been



made from joint house of the petitioner and that too from open place of house i.e. *Angan*. It has further been submitted that petitioner is involved in two similar nature of case, in which, he is on bail. While concluding the argument, it has been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with while preparing the seizure list and moreover 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 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 Dandari P.S. Case No. 94 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 Exclusive Excise Judge-I, Begusarai, subject to the following conditions:

“(i) That 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 Prema Devi, who is the sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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