

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12746 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- KURSAILA District- Katihar

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Kailash Munda S/o Late Koshilal Munda Resident of Devipur, P.S.- Kursela,
District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-07-2022 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 Kursela
P.S. Case No. 194 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.12.2021.

The allegation against the petitioner is to involve in
illegal trading of illicit liquor, where 15 liters of country made
liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery is from the house of the petitioner,
which is jointly occupied by other family members, as such, it



cannot be said from the conscious physical possession of the petitioner. It is submitted that petitioner is involved in six criminal cases, in which he is on bail. While concluding the argument, it is submitted that 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 recovery is from jointly occupied house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner, as same is from the jointly occupied house of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kursela P.S. Case No. 194 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 4th Additional District and Sessions Judge-cum-Special Judge, Excise Court No.2, Katihar, 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 Samanti Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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