

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13835 of 2022**

Arising Out of PS. Case No.-74 Year-2021 Thana- WARISLIGANJ District- Nawada

KRISHNANDAN SAW Son of Late Bhuneshwar Saw Resident of Village-
Rasanpur, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

**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
Warisaliganj P.S. Case No. 74 of 2021 registered for the offence
under Section 30(a), 30(d) and 41 of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.12.2021.

The allegation against the petitioner is to be engaged
in illegal trade and manufacturing of illicit liquor, wherein, 7
litres of illicit country made mahua liquor has been recovered
from *Ahar* field.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery has not been made from the conscious physical possession of the petitioner and nothing surfaced during course of the investigation to connect the petitioner with the alleged manufacturing activities. It has further been submitted that the petitioner is involved in one similar nature of case, in which, he is on bail. While concluding the argument, it has been submitted that 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 of seized items have been made from the open place.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of the investigation to connect the petitioner with the alleged activities of manufacturing of illicit liquor 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 Warisaliganj P.S. Case No. 74 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



Excise Court No.2, Nawada, 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 Juhi Gupta, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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