

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14734 of 2022**

Arising Out of PS. Case No.-265 Year-2021 Thana- MALSALAMI District- Patna

Ashok Ray Son of Late Khuddi Ray Resident of Village - Pathar Ghat, P.s.-
Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-07-2022 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

Malsalami P.S. Case No. 265 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 09.02.2021.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of 360

litres of country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of illicit liquor has been made from the open place, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation in this case has been completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor is from the open place.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner in the background of disputed seizure list coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Malsalami P.S. Case No. 265 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, Patna City, Patna, 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 Kundan Kumar, who is the Son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

U		T	
---	--	---	--

