

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16501 of 2022

Arising Out of PS. Case No.-608 Year-2021 Thana- RAJAOLI District- Nawada

1. Shiv Kumar Rajwar @ Jago Son of Mahendra Rajwar Resident of Village - Purani Hardiya, P.S.- Rajauli, District - Nawada
2. Suresh Rajwar @ Lalla @ Suresh Rajwanshi Son of Dukha Rajwar Resident of Village - Purani Hardiya, P.S.- Rajauli, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Rajauli P.S. Case No. 608 of 2021 registered for the offence under Section 30(a)(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 08.01.2022.

The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 12



litres of country made liquor and 600 kg. of fermented *jawa mahua*.

Learned counsel appearing on behalf of the petitioners submitted that the recovery has been made from forest area and name of the petitioners surfaced on the basis of confessional statement of local Chaukidar. It has further been submitted that nothing surfaced during course of investigation, which may connect the petitioners with the alleged recovery of illicit liquor. It has further been submitted that petitioners are involved in one other criminal case, in which, they are on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, 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 recovery has been made from open area.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Rajauli P.S. Case No. 608 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Act IInd, Nawada, subject to the following conditions:

“(i) That petitioners 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 petitioners.

(ii) Accused/Petitioners 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 Rinku Devi, who is the wife of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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

