

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17090 of 2022**

Arising Out of PS. Case No.-260 Year-2021 Thana- GANGABRIDGE District- Vaishali

Amarjit Rai aged about 25 years S/o Late Hemnath Rai R/o village-
Diwantok, P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashish Kumar Ranjan, Advocate

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

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

2 15-07-2022 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 Ganga
Bridge P.S. Case No. 260 of 2021, registered for the offence
under Sections 30(a) and 30(c) of Bihar Prohibition and Excise
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.12.2021.

The allegation against the petitioner is to run illicit
liquor manufacturing units, where a total of 110 liters of country
made liquor and 3200 liters of raw material, which was alleged
to be used for manufacturing of illicit liquor, was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that, admittedly, as per seizure list, recovery of illicit



liquor is from open place, as such, it cannot be said from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in three other criminal cases of similar nature, 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 open place.

Considering the facts and circumstances as mentioned above, as recovery is from open place, as such, it cannot be said from the conscious physical possession 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 Ganga Bridge P.S. Case No. 260 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 Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur/concerned Court, 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 Jitan Rai, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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

