

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17775 of 2022

Arising Out of PS. Case No.-425 Year-2021 Thana- PATORI District- Samastipur

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Bhajan Rai Son of Mahavir Rai Resident of Village - Baghra, P.s.- Patori
(Mohanpur), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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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

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 Patori
(Mohanpur) P.S. Case No. 425 of 2021 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and 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 17.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where 60 liters of country made
liquor was recovered.



Learned counsel appearing on behalf of the petitioner submitted that recovery is illicit is from the bushes in front of the house of the petitioner i.e., from open place, as such, it cannot be said from the conscious physical possession of the petitioner, who is otherwise a man of clean antecedent. 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, while opposing the prayer of bail, fairly conceded that recovery is from the bushes in front of the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patori (Mohanpur) P.S. Case No. 425 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 Court No.2, Samastipur/concerned court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Shobha Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
R.S. Sen-

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