

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17120 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

Sanjay Ram @ Shri Bhagwan S/o Bhikhari Ram R/o village- Jaso (Kansahi),
P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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 Buxar (I) P.S.

Case No. 11 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.02.2022.

The allegation against the petitioner is to run away
from the place of occurrence, where 103.680 liters of illicit
country made liquor was recovered from a boat.

Learned counsel appearing on behalf of the petitioner
submitted that the allegation against the petitioner is limited



only to run away from the place of recovery and name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Lalbabu Yadav @ Lallu Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 10858 of 2022 dated 14.06.2022. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged boat from where the alleged recovery was made, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Buxar (I) P.S. Case No. 11 of 2022 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.1, Buxar/concerned Court, subject to the following conditions:

“(i) That 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 Mira Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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