

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17159 of 2022**

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHESHKHUNT District- Khagaria

Deo Narayan Chaudhary Son of Late Manilal Chaudhary R/O Village-
Jhiktiya, Ward No.-5, P.S.- Maheshkhunt, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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

2 08-07-2022 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
Maheshkhunt P.S. Case No. 48 of 2021 registered for the
offence under Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.12.2021.

The allegation against the petitioner is to involved in
illegal trading of illicit liquor, where 50 liters of Chulai liquor
was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that recovery is from the house of the petitioner, which is jointly occupied by other family members, as such, it cannot be said from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Parmanand Ram. 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 the recovery is from the joint house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner rather same is from the joint house 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 Maheshkhunt P.S. Case No. 48 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-II (Excise), Khagaria,



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 Heena Kumari, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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