

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19104 of 2022**

Arising Out of PS. Case No.-301 Year-2021 Thana- BARUN District- Aurangabad

Rajan Choudhary @ Golden Son of Late Bablu Choudhary Resident of
Village - Rampur, P.S. Chainpur, District - Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

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

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

3 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 Barun
P.S. Case No. 301 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.02.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 10 liters of Mahua
liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor is from open place
i.e., bank of river, as such, it cannot be said from the conscious
physical possession of the petitioner. It is submitted that the



name of the petitioner surfaced on the basis of disclosure made by police spy and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged illegal manufacturing of illicit liquor. 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 the 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 Barun P.S. Case No. 301 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 Additional District Judge-I-cum-Special Judge, Excise, Aurangabad/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 Kanti Kuwar, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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