

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17739 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- NADI P.S. District- Patna

Bindeshwar Saw Son of Late Bhagwat Saw Resident of Village - Jethuli, P.S.-
Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Atul Chandra, 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
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 Nadi P.S.
Case No. 155 of 2021 registered for the offence 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 14.06.2021.

The allegation against the petitioner is to have in
possession of 216 liters of English wine, which was recovered
from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of alleged illicit liquor is from partly constructed house of the petitioner, which was accessible by general public, as such, it cannot be said that recovery is 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, while opposing the prayer of bail, fairly conceded that recovery is from the partly constructed 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 antecednet 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 Nadi P.S. Case No. 155 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, Patna/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 Lakshmi Devi, who is the Sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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