

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18781 of 2022

Arising Out of PS. Case No.-307 Year-2021 Thana- KHAJEKALA District- Patna

Sanjay Ray S/o Shree Lala Ray R/o Mohalla- Nojar Ghat, Diwan, P.S.-
Khajekala, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, 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 Khajekala
P.S. Case No. 307 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.02.2022.

The allegation against the petitioner is to involve in
the illegal trading of illicit liquor, where 120 liters of country
made liquor was recovered from the '*Khatal*' of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor, alleged to be made



from the '*Khatal*' of the petitioner, is accessible to the general public, as such, it cannot be said that the same is recovered from the conscious possession of the petitioner. It is pointed out that petitioner is involved in one more criminal case of excise, in which he is on bail. 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 the recovery is made from the '*Khatal*' of the petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery 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 Khajekala P.S. Case No. 307 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 Act), Patna City, 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 Sanju Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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