

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18816 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- PHULWARIYA District- Gopalganj

Dhananjay Sah Son of Rajendra Sah R/O Village- Koisa Khurd, P.S.- Kateya,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd., 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
Phulwariya P.S. Case No. 50 of 2022 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 16.02.2022.

The allegation against the petitioner is to have in
possession of 90 liters of foreign liquor, which was recovered
from Indigo car.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged vehicle was occupied by other co-



accused persons, as such, recovery cannot be said from the conscious physical possession of the petitioner. It is further pointed out that petitioner is involved in two other criminal cases, 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 that the alleged vehicle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor 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 Phulwariya P.S. Case No. 50 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 Additional District Judge-II-cum-Special Excise Judge, Court No.1, Gopalganj, 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 Sundar Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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