

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18736 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Haren Rai S/O Doman Ray R/o village- Morsandi, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Motipur P.S. Case No. 271 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 06.02.2022.

The allegation against the petitioner is to involve in illegal trading of illicit liquor, where 30 liters of raw spirit was recovered.

Learned counsel appearing on behalf of the petitioner



submitted that, admittedly, recovery has been made from open place, as such, it cannot be said 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 appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from open place.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Motipur P.S. Case No. 271 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-II, Muzaffarpur, 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 Chandeshwar Ray, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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