

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18401 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

Charitra Paswan Son of Late Bahadur Paswan Resident of Village - Santar
Mohalla, P.S.- and Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, 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 Excise
P.S. Case No. 23C2 of 2022 registered for the offence under
Sections 30(a), 32, 41 and 56(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.02.2022.

The allegation against the petitioner is to involve in
the illegal trading of illicit liquor, where seven liters of country
made liquor was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery is made from the house of the petitioner, which is jointly occupied by other family members, as such, it cannot be said from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in one more case, 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 recovery is from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged 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 Excise P.S. Case No. 23C2 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 Sessions Judge-V-cum-Exclusive Special -2, Excise Act, Lakhisarai/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 Ramshakhi Devi, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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