

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18700 of 2022**

Arising Out of PS. Case No.-567 Year-2021 Thana- KANTI District- Muzaffarpur

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Sujit Rai S/o Suresh Rai Resident of Village- Madhuban Kalwari, P.s.- Kanti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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**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 Kanti P.S.
Case No. 567 of 2021 registered for the offence under Section
30(a) of Bihar Prohibition and Excise Act, 2016-18.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.01.2022.



The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 808.560 liters of foreign liquor was recovered from the house of co-accused, Pramod Thakur.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is remanded in the present case from Kanti P.S. Case No. 642 of 2021. It is submitted that, being an admitted position, the recovery has been made from the house of co-accused, namely, Pramod Thakur, which is nowhere connected with the petitioner. It is pointed out that petitioner is involved in eight criminal cases, out of which he is on bail in five cases and in maximum cases, he has been remanded or named on the confessional statement of co-accused due to local enmities. 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 has been made from the house of the co-accused, namely, Pramod Thakur.

Considering the facts and circumstances as mentioned



above, as recovery of illicit liquor is not from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kanti P.S. Case No. 567 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, Court No.II, Muzaffarpur, 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
Ajit Kumar, who is the brother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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