

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18827 of 2022**

Arising Out of PS. Case No.-422 Year-2021 Thana- WARISLIGANJ District- Nawada

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Rudal Sao @ Uday Sao @ Uday Kumar Saw Son of Late Hari Sao Resident
of village - Rasanpur, P.S. - Warisaliganj, District - Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Meena Singh, 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
Warisaliganj P.S. Case No. 422 of 2021 registered for the
offence under Sections 30(a), 30(d) and 41 of Bihar Prohibition
and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.02.2022.



The allegation against the petitioner is to involve in illegal trading of illicit liquor, where 280 liters of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been remanded in this case from Warisaliganj P.S. Case No. 74 of 2021. It is submitted that, admittedly, recovery has not been made from conscious physical possession of the petitioner and further nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery. It is submitted that petitioner has been implicated in this case on the basis of secret information, received by the police. It is further pointed out that petitioner is involved in four cases, out of which he is on bail in three cases. 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 recovery is not from the conscious physical possession of the petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned



above, as, admittedly, recovery has not been made 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 Warisaliganj P.S. Case No. 422 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, Nawada, 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
Rekha Devi, who is the wife of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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