

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20865 of 2022**

Arising Out of PS. Case No.-311 Year-2021 Thana- MAIRWAN District- Siwan

Abbu Nat Son of Sultan Nat Resident of Village - Gunhariya, P.S. -  
Raghunathpur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      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 Mairwa  
P.S. Case No. 311 of 2021 registered for the offence under  
Section 30(a) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 06.10.2021.

The allegation against the petitioner is have in  
possession of 206.16 liters of illicit liquor, which was recovered  
from a car bearing Registration no. UP 14 AF 2258.

Learned counsel appearing on behalf of the petitioner  
submitted that petitioner was none but a passer-by and he has



been arrested under wrong impression that he has connection with the recovery of illicit liquor. It is submitted that petitioner is neither the owner nor the driver of the alleged vehicle. 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 the recovery is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not 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 Mairwa P.S. Case No. 311 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 Additional District and Sessions Judge-II-cum-Special Judge, Siwan/concerned Court, 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 Baharan Nat, who is the cousin brother of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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