

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20878 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- KATRA District- Muzaffarpur

Shyam Das son of upendar das resident of dargah, p.s. Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. 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 through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Katra P.S. Case No. 71 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 08.03.2022.

The allegation against the petitioner is to involve in illegal manufacturing of illicit liquor, where 190 liters of spurious fermented toddy was recovered.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery is from the hut and not from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged hut. 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 of alleged toddy is from the hut of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not 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 Katra P.S. Case No. 71 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 Special Judge, Excise, Muzaffarpur/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 Ram Babu Das, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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