

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20859 of 2022**

Arising Out of PS. Case No.-119 Year-2021 Thana- PAKRIDAYAL District- East Champaran

Bighu Rai @ Bigu Rai Son of Ramjanam Rai Resident of village -  
Dumarbana, P.S.- Pakridayal, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prateek Tandon, 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  
  
Pakaridayal P.S. Case No. 119 of 2021 registered for the offence  
  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
  
2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 25.02.2022.

The allegation against the petitioner is to be engaged  
  
in illegal trade of illicit liquor, where, there is recovery of 164.5  
  
litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor has not been made from the conscious physical possession of the petitioner and name of the petitioner surfaced on the basis of confessional statement of co-accused. It has further been submitted that petitioner is involved in other 07 cases, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has not been made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pakaridayal P.S. Case No. 119 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 Court of Exclusive Special Excise, Court No-2, East



Champaran, Motihari, subject to the following conditions:

*“(i)That 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 Ramababu Ray, who is the cousin brother of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

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