

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21790 of 2022

Arising Out of PS. Case No.-612 Year-2021 Thana- RAJAOLI District- Nawada

Munna Rajbanshi @ Bharo Son of Kaleshwar Rajbanshi R/O Village- Hazi
Dhaw, P.S.- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate

For the Opposite Party/s : Ms. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 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 Rajauli
P.S. Case No. 612 of 2021 registered for the offence under
Sections 30(a) of Bihar and Prohibition & Excise Act 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.01.2022.

The allegation against the petitioner is to involve in in
the illegal trading of illicit liquor, where 120 liters of country
made liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the
confessional statement of co-accused, namely, Sandeep Paswan
and in furtherance of confessional statement, nothing surfaced



during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor, as such, recovery cannot be said to be made from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in four other criminal 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 recovery is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said 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 Rajauli P.S. Case No. 612 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.-2 Nawada/concerned Court, 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) That 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 Kaleshwer Rajbanshi, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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