

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22309 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- AMBA District- Aurangabad

1. SANTOSH GIRI Son of Kailash Giri Resident of Village - Sanman Dehari,
P.S. - Gorari, District - Rohtas.
2. Nandlal Choudhary Son of Late Rameshwar Choudhary Resident of Village
- Choudhary Mohalla, P.S. - Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioners 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 Amba

P.S. Case No. 29 of 2022 registered for the offence under

Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and

are in custody since 13.02.2022.

The allegation against the petitioners is to be engaged

in illegal trade of illicit liquor, where, there is recovery of 159.6



litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery has been made from jointly occupied car, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioners. It has further been submitted that petitioners are a man of clean antecedent. 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 was made from jointly occupied car.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioners, who are man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Amba P.S. Case No. 29 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Session



Judge Ist-cum-Special Judge of Excise Act,
Aurangabad/concerned court, subject to the following
conditions:

“(i) Accused/Petitioners 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 petitioners duly supported by the documents.

(ii) That one of the bailors shall be Jetendra Kumar, who is the nephew of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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