

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21860 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- DEODHA District- Madhubani

Md. Esrafeel @ Md. Nazim Son Of Taslim Mansur @ Md. Taslim R/O
Village- Mahinathpur, Ward No.-04, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, 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 Deodha
P.S. Case No. 61 of 2021 registered for the offence under
Sections 272, 273 and 414 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise Act, 2018

The accused/petitioner is named in the F.I.R. and is in
custody since 14.06.2021.

The allegation against the petitioner is to have in
possession of 180 liters of Nepali liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery is not made from the conscious physical



possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. 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 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 Deodha P.S. Case No. 61 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 Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/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 Ajima Khatoon, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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