

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22370 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

RAMAKANT SAH Son of Late Ramchandra Sah Resident of Village -
Purbee kapasya, Ward no.13, P.S.- Town, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 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 Begusarai
Town P.S. Case No. 70 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
Section 25(1-b)a of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 7.50
litres of illicit IMFL, one rusted country made pistol, one



country made pistol and one live and one empty cartridges of 0.315 bore.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor and illegal fire arms has been made from the house of the petitioner, which is jointly occupied by other family members, as such, it cannot be said that the recovery has been made from the conscious physical possession of petitioner. It has further been submitted that petitioner is 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 the recovery has been made from house of the petitioner, which is jointly occupied by other family members.

Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor and fire arms has not been made from the conscious physical possession of petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the



petitioner, above named, is directed to be released on bail in connection with Begusarai P.S. Case No. 70 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 Court – 1, Begusarai, 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.

(iii) That one of the bailors shall be Beby Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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