

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21753 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Mostt. Premiya Devi W/o Late Nawal Sahani Resident of Village - Gehua
Chak Ward no.5, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 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 Motipur
P.S. Case No. 53 of 2022 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) and 36 of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.02.2022.

The allegation against the petitioner is to run away
from the place of occurrence where there was recovery of 25
liters of illicit country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the recovery has been made from the house of the petitioner, which is jointly occupied by the other family members, as such, it cannot be said that recovery has been made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, vehemently, opposes the prayer of bail of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has been made from the jointly occupied house of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Motipur P.S. Case No. 53 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), Mazaffarpur, 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 Pankaj Kumar Nishad, who is the son-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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