

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22291 of 2022**

Arising Out of PS. Case No.-60 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

AWADHESH RAI SON OF GONI RAI R/O VILLAGE- MAKSUDPUR,
P.S.- MINAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Umeshanand Pandit

**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

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 Ahiyapur
P.S. Case No. 60 of 2021 registered for the offence under
Sections 272, 273, 420, 467, 468, 471 and 34 of the Indian
Penal Code and Sections 30(a), 36 and 41 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of



1782.16 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is implicated in the present case for only reason, as being the owner of alleged motorcycle, where nothing recovered from conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in one other similar nature of case, in which, he is on bail. It has further been submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 69969 of 2021 dated 11.03.2022. 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 nothing has been recovered from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No. 60 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.1, Muzaffarpur/concerned court, subject to the following conditions:

“(i) That 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) 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, Kushami Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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