

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22496 of 2022

Arising Out of PS. Case No.-608 Year-2021 Thana- RAJAOLI District- Nawada

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1. MUNSA RAJWAR @ MUNSHI RAJBANSHI AND OTHERS SON OF AMRIK RAJWAR RESIDENT OF VILLAGE -PURANI HARDIYA, P.S.-RAJAULI,, DIST- NAWADA
 2. JEBA DEVI @ JAIBA DEVI WIFE OF LATE KAPIL RAJBANSHI @ KAPILDEV RAJBANSHI RESIDENT OF VILLAGE -PURANI HARDIYA, P.S.-RAJAULI,, DIST- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, 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 petitioners seek bail in connection with Rajauli P.S. Case No. 608 of 2021 registered for the offence under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner are named in the F.I.R., where petitioner no.1 is in custody since 09.01.2022 and petitioner no.2 is in custody since 22.01.2022.



The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 12 litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from open field, 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 man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, 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 open field, as per seizure list.

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 Rajauli P.S. Case No. 608 of 2021 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 Special Excise Court-2, Nawada/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.

(iii) That one of the bailors shall be Dilip Rajbanshi, who is the son of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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