

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22437 of 2022

Arising Out of PS. Case No.-823 Year-2021 Thana- NAGAR District- Vaishali

HARIBANSH RAI @ BADAR RAJ Son of Late Jhum Lal Roy Resident of
Village - Lodipur , Chak Bara, Hajipur, P.s.- Hajipur Town and Distt.- Vaishali
at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Veena Kumari Jaiswal

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Hajipur Town P.S. Case No. 823 of 2021
registered for the alleged offences under Sections 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total 40 liters of country
made *chulai* liquor recovered from a place 100 yards from the
house of the petitioner who was apprehended while trying to
flee away.



Learned counsel for the petitioner submits that it is apparent from the FIR that the recovery has been made from a place which was an open field near the house of the petitioner and so the petitioner cannot be said to have the conscious possession of this liquor allegedly recovered. The petitioner is an agriculturist and he was doing the work of farming where from he was arrested by the police. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has got no criminal antecedent and charge sheet has been submitted in this case. The petitioner is in custody since 14.10.2021.

Learned APP opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the recovery from an open space and also the quantity of the liquor recovered along with the fact of submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, the Trial Court, Vaishali at Hajipur in connection with Hajipur Town P.S. Case



No. 823 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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