

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23749 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Ajeet Singh Son of Jagdish Singh Resident of Village - Maniyarpur, P.S.-
Madhusudanpur Nath Nagar, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. APP

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
Nathnagar (Madhusudanpur) P.S. Case No. 382 of 2021
registered for the offence under Sections 30(a), 30(d) and 41(1)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade/manufacturing of illicit liquor, where, there is
recovery of 410 litres of sweet Mahua liquid.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor is from the open area in front of the house of the petitioner and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has 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 alleged recovery of illicit liquor is from the open area in front of the house of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery is not from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 382 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 Exclusive Excise Court No.2, Bhagalpur/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 Shankar Singh, who is the cousin (Chachera brother) and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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