

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24338 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- DARIYAPUR District- Saran

1. Uday Kumar Singh S/o Ramjanam Singh Resident of Village- Bharaaromar, P.S.- Ramsa, District- Saran at Chapra.
2. Surendra Kumar S/o Shiomangal Rai R/o Village- Baharmar, P.S.- Parsa, District- Saran at Chapra.
3. Suresh Rai S/o Shivji Rai Resident of Village- Parsauni, P.S.- Parsa, District- Saran at Chapra.
4. Shailendra Rai @ Banar Rai s/o Jainath Rai R/o Village- Parsauni, P.S.- Parsa, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, 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 Dariyapur P.S. Case No. 81 of 2022 registered for the offence under Sections 30, 30(a) and 33 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and



are in custody since 26.02.2022.

The allegation against the petitioners is to be engaged in illegal trade/manufacturing of illicit liquor, where, there is recovery of 105 litres of country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor is from the bank of river area and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is also submitted that petitioner nos.1, 2 and 3 are men of clean antecedent but petitioner no. 4 is involved in one criminal case, in which, he is on bail. 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 the alleged recovery is from the bank of river area.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Dariyapur P.S.



Case No. 81 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 Chief Judicial Magistrate, Saran at Chapra/concerned court, subject to the following conditions:

“(i) That petitioners 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/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 petitioner duly supported by the documents.

(iii) That one of the bailors shall be Lagmani Devi, who is the close relative of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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