

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24380 of 2022**

Arising Out of PS. Case No.-78 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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SANJAY CHAUDHARY S/o Babulal Chaudhary Resident of Village -
Beldih, P.S.- Roh, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate
For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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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 G.O Case
No. 78 of 2022 registered for the offence under Sections 30(a)
and 30(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the prosecution
report and is in custody since 15.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 40 litres of country made liquor from the back of the



house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor found in conceal condition in back of the house of the petitioner, and as such it cannot be said to be recovered from conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in one case of different nature, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, 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 is from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with G.O Case No. 78 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 Exclusive Special Excise Court-2, Nawada/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 Kari Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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