

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24419 of 2022**

Arising Out of PS. Case No.-167 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Bhola Prasad Son of Raj Narayan Prasad R/O Village- Karmwari, P.S.-
Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, 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.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Siwaipatti
P.S. Case No. 167 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Sections
30(a)(b) and 37(b)(c) of Bihar Prohibition and Excise
(Amendment) Act, 2016-18.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.12.2021.

The allegation against the petitioner is to involve in
illegal manufacturing of illicit liquor, where 5 liters of Chulai
liquor was recovered from the '*Angan*' of the house of the
petitioner and it also alleged that petitioner was found in the
drunken condition.



Learned counsel appearing on behalf of the petitioner submitted that the allegation against petitioner is limited only to be found in the drunken condition and further recovery is made from the '*Angan*' of the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is made from '*Angan*' of the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is made from '*Angan*' of the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Siwaipatti P.S. Case No. 167 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 Exclusive Special Excise, Court No.1, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Surendra Kumar Singh, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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