

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25763 of 2022

Arising Out of PS. Case No.-381 Year-2019 Thana- SAKRA District- Muzaffarpur

Md. Raunak @ Md. Raunak Ali Son of Md. Mir Talim Hussain Resident of
village - Paharpura, P.S.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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 Sakra P.S.

Case No. 381 of 2019 registered for the offence under Sections

420, 467 and 468 of the Indian Penal Code and Section 30(a) of

the Bihar Prohibition and Excise Act.

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

custody since 16.12.2021.

The allegation against the petitioner is to have involve

in the illegal trading of illicit liquor, where 804 liters of foreign



liquor was recovered from Hywa vehicle and partly constructed house of the co-accused, namely, Ramchandra Sah @ Sopal Sah.

Learned counsel appearing on behalf of the petitioner submitted that recovery is made from the Hywa vehicle and partly constructed house of the co-accused namely, Ramchandra Sah @ Sopal Sah, which was accessible by general public, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and, moreover, nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is pointed out that petitioner is involved in two other criminal cases, in which he is on bail. While concluding the argument, it is submitted that 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 this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said to be made 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 Sakra P.S. Case No. 381 of 2019 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, Excise-I, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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
Sahra Jabeen, who is the wife of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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