

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25765 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- BARAUNI District- Begusarai

Subodh Kumar @ Surendra @ Surendra Kumar S/o Wakil Mahto R/o village-
Simaria Ghat Bind Toli, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., 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 Barauni
P.S. Case No. 50 of 2022 registered for the offence under
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 27.01.2022.

The allegation against the petitioner is to have in
possession of 54 liters of illicit country made liquor, which was
recovered from a jute bag.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of illicit liquor was made from roadside, which is a busy area, i.e., Ragendra Nagar Railway Station, as per seizure list, from a bag, which is in no way connected with the petitioner, as such, illicit liquor cannot be said to be recovered from the conscious physical possession of the petitioner. 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 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, who is a man of clean antecedent 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 Barauni P.S. Case No. 50 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 Excise Court-I,
Begusarai/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be
Sony Devi, who is the ‘*Bhabhi*’ of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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