

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25570 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- SARE District- Nalanda

Manju Devi W/o Raj Kumar Darhi Resident of Village- Onda, P.S.- Sare,  
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      15-07-2022                      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 Sare P.S.  
Case No. 1 of 2022 registered for the offence under Section  
30(a)(b)(c) of the Bihar Prohibition and Excise (Amendment)  
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 24.03.2022.

The allegation against the petitioner is to involve in  
the illegal manufacturing of illicit liquor, where 80 liters of  
country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner  
submitted that recovery is made from an open place, as such, it  
cannot be said to be recovered from the conscious physical



possession of the petitioner. It is submitted that the name of the petitioner surfaced on the basis of disclosure made by villager, where nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. 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 recovery is from the open place.

Considering the facts and circumstances as mentioned above, as recovery cannot be said 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 Sare P.S. Case No. 1 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 4<sup>th</sup> Additional District and Sessions Judge, Excise-II, Nalanda at Bihar Sharif/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) 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 Saraswati Devi, who is the mother of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

