

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25811 of 2022**

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHINDWARA District- Sitamarhi

=====

Uday Kumar @ Uday Rai Son of Sri Ram Sogarath Rai @ Ram Swarath Rai  
Resident of Village - Maksudpur , P.s.- Meenapur, Distt.- Muzaffapur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate  
For the Opposite Party/s : Mr. Nagendra Prasad, 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  
Mahindwara P.S. Case No. 14 of 2019 registered for the offence  
under Sections 30(a), 38(i) and 41 of the Bihar Prohibition and  
Excise Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 10.02.2022.



The allegation against the petitioner is to involve in the illegal business of illicit liquor, where 3047 liters of illicit liquor was recovered near the houses of co-accused persons, namely, Sunil Rai and Kunal Rai.

Learned counsel appearing on behalf of the petitioner submitted that recovery is made near the houses of the co-accused persons, namely, Sunil Rai and Kumar Rai, 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. It is pointed out that petitioner is involved in one another criminal case, 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 if illicit liquor from the physical possession of the petitioner.

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 Mahindwara P.S. Case No. 14 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 Exclusive Special Excise Court No.1, Sitamarhi/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  
Sanjeev Kumar, who is the brother-in-law of  
the petitioner and deponent of the present  
bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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

