

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26500 of 2022

Arising Out of PS. Case No.-494 Year-2021 Thana- GORAUL District- Vaishali

Sadhu Rai @ Sadhu Yadav S/o Late Ramayan Rai R/o village- Lodipur, P.S.-
Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, 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 Goraul
P.S. Case No. 494 of 2021 registered for the offence under
Sections 30(a) and 30(c) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.02.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 40 liters of country
made liquor was recovered from the house of the petitioner and
100 liters of country made liquor was recovered from bamboo



clump, adjacent to the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the recovery is from the two different place i.e., one from the house of the petitioner, which is occupied by other family members and another from the bamboo clump, which is an open place not related with the petitioner and under these circumstances, it cannot be said that recovery of illicit liquor is from the conscious physical possession of the petitioner, who is otherwise a man of clean antecedent. 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 the recovery is from the house and bamboo clump, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not 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 Goraul P.S. Case No. 494 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-cum-Additional Sessions Judge, Vaishali at Hajipur/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 Kaushal Kumar, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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