

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26539 of 2022**

Arising Out of PS. Case No.-37 Year-2022 Thana- PANJWARA District- Banka

Bam Shankar Das Son of Chhedi Das R/O Mohalla- Latta Dikuani, P.S.-  
Poraiyahat, District- Godda (JHARKHAND)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Ms. Veena Rani 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  
Panjawara, P.S. Case No. 37 of 2022 registered for an offence  
under Section 30(a), 32(2) of the Bihar Prohibition and Excise  
Act, 2018.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 26.03.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 15 pieces of level Sticker, 15 pieces of bottles' cap



and 15 bottles were recovered.

Learned counsel appearing on behalf of the petitioner submitted that as recovery is made from the house of the petitioner/s which is jointly occupied by other family member, therefore, it cannot be said that the recovery is made from conscious physical possession of the petitioner. It is submitted that it is not a case of recovery of liquor, as per seizure list. It is also submitted that the petitioner is a man of clean antecedent, and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that this is not a case of recovery of illicit liquor.

Considering the facts and circumstances as mentioned above, this is not a case of recovery of illicit liquor. It is further pointed out that petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Panjawara, P.S. Case No. 37 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 Additional District & Sessions Judge-V, Banka, 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 Kiran Devi, who is the wife of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

pooja/-

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