

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26693 of 2022

Arising Out of PS. Case No.-220 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

Chhathu Ram @ Chhatu Ram Son of Ramanand Ram Resident of Village-
Mohammadpur, P.S. Mohammadpur, District - Gopalganj- 841423 (Bihar.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Prachi Pallavi, 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
Mohammadpur, P.S. Case No. 220 of 2021 registered for
offences under Sections 30(a), 37(b), 33 and 34 of the Bihar
Prohibition and Amendment of Excise Act, 2018 and Sections
272,273, 328, 307, 304, 120(B) and 34 of the Indian Penal
Code, 1860.



The accused/petitioner is named in the F.I.R. and is in custody since 15.11.2021.

The allegation against the petitioner is to consume liquor along with other co-accused persons in his house and further alleged to have in possession of 4.800 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that the allegation is only to consume liquor along with other co-accused persons and as far recovery of illicit liquor is concerned same was made from the house of the petitioner, which is jointly occupied by other family members and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that the petitioner is involved in one case of similar nature in which he is on bail. While concluding the argument, it has been submitted that 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 the alleged recovery is made from the house of the petitioner.

Considering the facts and circumstances as mentioned



above, as recovery of illicit liquor is made from the house of the petitioner, not suggesting his conscious physical possession over illicit liquor 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 Mohammadpur, P.S. Case No. 220 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 Additional District & Sessions Judge-II-cum-Spl. Excise Court-I, Gopalganj, subject to the following conditions:

“(i) That 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 Kusum Devi, who is the sister-in-law of
the petitioner and deponent of the present
bail petition.”*

(Chandra Shekhar Jha, J)

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