

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26894 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- JAYNAGAR District- Madhubani

Tarkeshwar Ray Son of Late Sukdev Ray Resident of Village - Baajeetpur
Chhippliya Pokhar, P.s.- Bahadurpur, Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, 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 Jaynagar,
P.S. Case No. 51 of 2022 registered for the offence under
Section 414 of IPC and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 135 litres of Nepali country made liquor from



Tempo.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery is made from Tempo which was jointly occupied by/with other co-accused persons, and as such it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner, who is a man of clean antecedent. 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 Tempo was also jointly occupied with other co-accused persons as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who 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 Jaynagar P.S. Case No. 51 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 Addl. Session Judge-II-cum-



Special Judge, Excise Act, Madhubani, 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 Mina Devi, who is the mother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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