

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27370 of 2022**

Arising Out of PS. Case No.-56 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Begusarai

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RAMAKANT DAS Son of Late Shiv Shankar Das Resident of Village -  
Bakhtar Asthan Ward No.21, Fulwariya, P.s.- Fulwariya, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey  
For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      08-07-2022                      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 Excise  
P.S. Case No. 56 of 2022 registered for the offence under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 12.04.2022.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of 45  
litres of illicit cough syrup.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery has been made from the house of the petitioner, which is jointly occupied with other family members and as such it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that during seizure, mandatory provision of Section 100 of Cr.P.C. has not been complied with.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from the joint house of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Excise Case No.56 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 Court of Special Exclusive Excise Judge No. II, Begusarai, 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.*

*(iii) That one of the bailors shall be Shashi Kant Kumar, who is the son of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

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