

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31621 of 2022

Arising Out of PS. Case No.-69 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Shivchandra Rajak @ Shiv Chandra Rajak Son of Late bhadai Rajak Resident
of Village - Panapur langa, P.s.- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Sinha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Hajipur
Sadar P.S. Case No. 69 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was total recovery of 1886.13 litres of illicit country made



foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from orchard of the petitioner, which is an open place, which is accessible by general public, as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has already been submitted, as such there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 69 of 2020 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 District and Sessions Judge,
Vaishali at Hajipur subject to the conditions as mentioned under
Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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Minu/-

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