

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58864 of 2022**

Arising Out of PS. Case No.-129 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Jaikant Rai Son Of Sajivan Rai R/O Village- Baglodan Gali, P.S.- Chock,  
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                        |   |                            |
|------------------------|---|----------------------------|
| For the Petitioner     | : | Mr. Pramod Kumar, Advocate |
| For the Opposite Party | : | Mr. Parmanand Kumar, APP   |

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

2      19-11-2022                      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 Patna  
City Chowk P.S. Case No. 129 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 15.07.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there  
was recovery of 1050 litres of illicit IMFL liquor/country made  
liquor.



Learned counsel appearing on behalf of the petitioner submitted that admittedly the recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, for the reason that at the time of recovery, he was in judicial custody. It is further submitted that the name of the petitioner surfaced in the present case only for his previous criminal antecedent as he found involved in 24 cases, where he is already acquitted in 2 cases and on bail in 20 cases and in most of the cases the name of petitioner surfaced as of the present case on the basis of confessional statement. It is further submitted that the alleged recovery was made from the abandoned *tempo*, as found in an open place, which is not connected in any manner with this petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which charge sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of alleged illicit liquor, not appears to be made from conscious physical possession of this petitioner 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 Patna City Chowk P.S. Case No. 129 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 Exclusive Special Judge, Excise, Patna City/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 Janki Devi, who is the wife of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

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