

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.68251 of 2021**

Arising Out of PS. Case No.-521 Year-2021 Thana- JAHANABAD District- Jehanabad

NARAYAN JEE Son of Santosh Kumar Gautam Resident of Court areas  
block colony, Jehanabad, P.S. and District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

2      05-01-2022                      Heard the parties through video conferencing.

Heard Sri Binod Kumar, learned counsel appearing on  
behalf of the petitioner and Smt. Pushpa Sinha.1, learned A.P.P.  
appearing on behalf of the State.

The present case has been taken up out of turn  
considering the fact that the mother of the petitioner has died on  
29.12.2021 and in this regard, the petitioner has filed a  
supplementary affidavit and an I.A. application.

Petitioner who is in custody since 23.08.2021 seeks  
regular bail in connection with Excise Case No. 709 of 2021  
arising out of Jehanabad P.S. Case No. 521 of 2021 registered  
for offences punishable under Section 30(a) of the Bihar  
Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 30 litres of



*mahua* liquor was recovered from the bush near court area.

Learned counsel appearing on behalf of the petitioner submits that prior to this case petitioner was made accused in two other cases i.e. Jehanabad P.S. Case No. 522 of 2021 registered under Sections 224 and 225 as well as Jehanabad P.S. Case No. 187 of 2018 registered under Sections 30(a) and 37(a) of the Excise Act, however, he is on bail in both the cases. He further submits that there is no allegation of tampering with the evidence and for simple reason that he is involved in the said two cases the petitioner has been roped in the present case even though the prohibited articles were not recovered from the physical or conscious possession of the petitioner and the same was lying in the bush.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case as well as the fact that the alleged illicit liquor which has been recovered from the bush near the court area and not from the physical possession of the petitioner, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II- cum- Special Judge, Excise, Jehanabad in



connection with Excise Case No. 709 of 2021 arising out of  
Jehanabad P.S. Case No. 521 of 2021 subject to the following  
conditions:

(i) Bailors should be local having sufficient immovable  
property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be  
properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the  
witnesses of the case, in that case, prosecution will be at liberty to  
move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature  
of offence, after his release on bail, the trial Court shall take steps  
to cancel their bail bond.

**(Purnendu Singh, J)**

Niraj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

