

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1186 of 2022

Arising Out of PS. Case No.-631 Year-2021 Thana- JAHANABAD District- Jehanabad

Bhushan Paswan Sarita Devi Village Mohalla Purvi Unta P.S. And District
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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
Jehanabad P.S. Case No. 631 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition & Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.12.2021.

The allegation against the petitioner is to involve in
illegal trading of illicit liquor, where 65 liters of country made
liquor was recovered from the cowshed and garbage, near the
partly constructed drainage of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that recovery is made from open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and further nothing incriminating surfaced during the course of investigation, which may connect the petitioner with the recovery of illicit liquor. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is made from the open place.

Considering the facts and circumstances as mentioned above, as recovery is made from the open place coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jehanabad P.S. Case No. 631 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Jehanabad/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 which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That 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 Sarita Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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