

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65827 of 2022**

Arising Out of PS. Case No.-51 Year-2022 Thana- LAKHNAUR District- Madhubani

Kailash Sah @ Kailash Kumar S/O Shiv Shankar Sah Resident of village-  
Pipra Ghat, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

2      23-12-2022                      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 Lakhnaur  
(R.S.O.P.) P.S. Case No. 51 of 2022 registered for the offence  
under Sections 272, 273 and 34 of the Indian Penal Code and  
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 19.09.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 603 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from dig found at Kamla bandh near to Pipra ghat and, as such, it can be safely said that the recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. It is also pointed out that seizure list appears doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it has been submitted that investigation has been completed, 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.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lakhnaur P.S. Case No. 51 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 Special Judge Excise Act,



Jhanjharpur (Madhubani)/concerned court, subject to the following condition:

“(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.”

**(Chandra Shekhar Jha, J)**

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