

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67573 of 2022**

Arising Out of PS. Case No.-182 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Bali Singh Son of Shiv Shankar Singh @ Shiv Shankar Prasad R/v- Rohara
Kala, P.S.- Barhariya, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kumar Sharma, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP.

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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 Excise
Case No. 182 of 2022 registered for the offence under Sections
30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016 as
amended 2022.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.07.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 50



litres of illicit liquor and 2500 Kg. of fermented Jawa.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit fermented Jawa was made from northern side of house of the petitioner, which is an open place and accessible to general public. Circumstances of the case, is sufficient to suggest that recovery was not made from conscious physical possession of this petitioner. It is also pointed by learned counsel for the petitioner that petitioner is involved in 03 more criminal cases and suspicion arises out of said criminal antecedents, present false implication was also made without any connecting evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from 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 Excise Case No. 182 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 Additional District Judge-cum-Special Judge, Excise Court No. 2, Siwan/concerned court, subject to



the conditions, as mentioned under Section 437(3) of the Cr.P.C,
with further condition:

“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 document.”

(Chandra Shekhar Jha, J.)

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