

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68382 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- NADI P.S. District- Patna

Sanjay Ray Son of Balkishun Ray R/V- Fatehjangpur, P.S- Nadi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 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 Nadi P.S.
Case No. 25 of 2021 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.10.2022.

The allegation against the petitioner is to involve in
illegal trading/manufacturing of illicit liquor, where 90 liters of
IMFL/country made liquor was recovered from the alleged
Tempo.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from Tempo which is a public carrier and accessible by general public at large. It is also pointed out that the seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is categorically 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 appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as alleged recovery of illicit liquor was appears to be made from public carrier 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 Nadi P.S. Case No. 25 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 Special Judge Excise, Patna/concerned Court, subject to the conditions as laid down u/s 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 learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

Pooja-Anup/-

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