

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35896 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- MAINATAND District- West Champaran

MAJMULLAH DEWAN S/O LATE MEHDI DEWAN @ MEHANDI
DEVAN R/O Village. Pakuhwa Paschim, PS. Mainatand, Dist. West.
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with
Mainatand P.S. Case No.16 of 2023 registered for the offence
under Sections 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 31.01.2023.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 63
litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced, on the basis of



suspicion, as raised by local *Chaukidar*, without having any cogent material, where, recovery of alleged illicit liquor appears to be made from open place as wheat field, which is accessible to general public and as such, it cannot be said that alleged recovery was not made from the physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in 03 more similar cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already 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.

Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor was made from an open place coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 31.01.2023, let the petitioner, above named, is directed to be released on bail in connection with Mainatand P.S. Case No.16 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, West Champaran at Bettiah/concerned court, subject to



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

“(i)That 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) 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 of the
petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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