

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40988 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- DIGHA District- Patna

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PRADEEP KUMAR JAISAWAL Son of Badri Jaisawal @ Badri Chaudhary
Resident of village - Misirgonda, P.S. - Gonda, Distt. - Gonda, State -
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a

period of four weeks from today.

3. The petitioner seeks bail in connection with

Digha P.S. Case No. 215 of 2022 registered for the offence

under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and

is in custody since 25.04.2023.

5. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 1188 litres of IMFL/country made liquor

from the alleged truck/vehicle.



6. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of suspicion, where police was informed by some unknown persons regarding involvement of this petitioner. It is submitted that as petitioner not apprehended on spot, it can be safely gathered that alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in six more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Digha P.S. Case No. 215 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise, Patna Sadar/ concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C., with further 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
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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