

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41350 of 2023**

Arising Out of PS. Case No.-286 Year-2022 Thana- KEWATI District- Darbhanga

Arjun Sah @ Arjun Kumar Sah S/O Late Daya Ram Sah R/O Village-
Nanaura,Ps. Kewati,Dist. Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

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

2 21-07-2023 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 Kewati
P.S. Case No. 286 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 02.03.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 753.670 litres of IMFL/country made liquor
from an open place.

6. Learned counsel appearing on behalf of the



petitioner submitted that recovery of alleged illicit liquor appears to be made from orchard which is an open place and accessible by general public and, as such, it can be said safely that recovery of illicit liquor not appears to be made from physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases of similar nature, 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 recovery of alleged illicit liquor appears to be made from an open place accessible by general public coupled with the fact charge-sheet has already submitted, where petitioner is in custody since 02.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kewati P.S. Case No. 286 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-I, Excise Act, Darbhanga/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.



with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned 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 learned Trial Court till the conclusion of 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)

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