

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42857 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- MALSALAMI District- Patna

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JATAU SHARMA @ ANIL SHARMA SON OF HARINAND SHARMA
RESIDENT OF VILLAGE- PATHAR GHAT, PS -MALSALAMI, DIST-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 26-07-2023 1. Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with
Malsalami P.S. Case No.11 of 2023 registered for the offence
under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The accused/petitioner is named in the F.I.R. and is
in custody since 30.04.2023.
4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 60 litres of IMFL.
5. Learned counsel appearing on behalf of the
petitioner submitted that the recovery of alleged illicit liquor
was made from the house of co-accused, namely Uday
Mukhiya, and as petitioner found running from the place of
recovery on the basis of suspicion, he was named in the present



case. While concluding the argument, it is submitted that petitioner found involved in four more cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner rather from the house of co-accused, Uday Mukhiya, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.04.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Malsalami P.S. Case No.11 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 Special Judge Excise, Patna City, Patna/concerned court, subject to the conditions 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 shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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