

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43870 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- PATNA CITY CHOWK District- Patna

CHANDRADEEP RAY Son of Late Jang Bahadur Ray Resident of village -
Kauakhoh, P.S. - Chowk, Distt. - 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. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Chowk P.S. Case No.287 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 26.05.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 37.5 litres of illicit country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor was
made from *Khatal* (cattle shade) of this petitioner, which is



accessible by general public and other family members and as such it can be safely said that alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner. While concluding the arguments, it is submitted that one of the reason for implication of this petitioner is suspicion arises out of his criminal antecedents, as he found involved in 04 more criminal cases, where, he is on bail.

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

7. 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, who is in custody since 26.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Chowk P.S. Case No.287 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/concerned court, subject to the following 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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