

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45201 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- DEODHA District- Madhubani

=====

Pramod Kumar Choudhary @ Pramod Choudhary @ Pramod Kamat Son Of
Late Shivan Kamat Village- Rahika Ps- Rahika Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45318 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- DEODHA District- Madhubani

=====

Gopal Kumar Sah Son Of Late Raghunath Sah Resident Of Village -rahika,
Ps- Rahika, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45201 of 2023)

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 45318 of 2023)

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023

CRIMINAL MISCELLANEOUS No.45201 of 2023

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with
Deodha P.S. Case No. 43 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition of Excise Act.



3. The accused/petitioner is named in the F.I.R. and is in custody since 19.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 90 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the motorcycle. It is submitted that petitioner is neither the owner nor connected in any manner with the alleged motorcycle and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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.

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

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 19.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Deodha P.S. Case No. 43 of 2023 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 Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani/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 indulge in any criminal case 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.

(iii) That one of the bailors shall be deponent of the present bail petition.

CRIMINAL MISCELLANEOUS No. 45318 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Deodha P.S. Case No. 43 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 19.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 90 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the motorcycle. It is submitted that petitioner is neither the owner nor connected in any manner with the alleged motorcycle and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical



possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in one more case, 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.

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

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Deodha P.S. Case No. 43 of 2023 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 Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani/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 indulge in any criminal case 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.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

S.Tripathi/-

U		T	
---	--	---	--

