

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45411 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- PHULPARAS District- Madhubani

Pradip Saha @ Pradip Sah Son Of Jogen Saha Village- Samar Nagar Battala
Ps- Pradhan Nagar Dist- Darjeeling W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 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
Phulparas P.S. Case No. 356 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition of Excise Act,
2018.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 22.05.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 3793.680 litres of IMFL/country made
liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that entire recovery of illicit liquor was made from the house of co-accused, namely Santosh Kumar Yadav and on the basis of his disclosure, name of petitioner appears in the present case. It is also submitted that petitioner was not apprehended on spot nor alleged illicit liquor appears to be recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

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 illicit liquor not appears to be made made from the conscious physical possession of the petitioner, where petitioner is in custody since 22.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Phulparas P.S. Case No. 356 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 Act, Jhanjharpur, 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)

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