

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48181 of 2023**

Arising Out of PS. Case No.-196 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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RAJAN KUMAR son of Mahangu Gond Village- Kadirganj Ps- Darigaon
Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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 Excise
Thana Case No. 196 of 2023 registered for the offence under
Section 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 25.03.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 20 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that recovery of alleged illicit liquor appears
to be made upon road in-front of *Kali Mandir*, which is an open
place easily accessible by general public and as such it can be
safely said that recovery of illicit liquor not appears to be made



from the conscious physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in three more cases, where he is on bail in two cases 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 and by taking note of the fact as recovery of 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 25.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Excise Thana Case No. 196 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 Exclusive Special Judge, Court No.1, Rohtas, Sasaram/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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