

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46358 of 2023

Arising Out of PS. Case No.-605 Year-2022 Thana- MAJHAULIA District- West Champaran

DEEPAK MISHRA Son of Ganesh Mishra Resident of village - Dubwalia,
P.S. - Majhauria, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Majhauria P.S. Case No. 605 of 2022 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 24.03.2022.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 5 litres of illicit beer/liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit beer/liquor
appears to be made from Baramdah of the house of this



petitioner, which is accessible by all family members and also by outsider, as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioner. It is submitted that compliance of Section 100(4) of the Cr.P.C. regarding search of premises also not appears to be followed in the present case. While concluding the argument, it is submitted that petitioner found involved in 07 more criminal cases, where, he is on bail in 06 cases and moreover, investigation of this case is 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 of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of illicit beer/liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 24.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Majhauriya P.S. Case No. 605 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Judge Excise, Bettiah, West Champaran/concerned court, subject to the condition 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 of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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