

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47781 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- KARAKAT District- Rohtas

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Pappu Kumar Son Of Nivas Prasad @ Sri Niwas Chandrawanshi Resident Of
Village - Kanchanpur - Amaratha, Post - Gachhain, P.S. - Karakat - Goradi,
Distt. - Rohtas (Sasaram).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, 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. Let the defect(s), if any, be removed within a period

of four weeks from today.

3. The petitioner seeks bail in connection with

Karakat P.S. Case No. 47 of 2023 registered for the offence
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2018.

4. The accused/petitioner is named in the F.I.R. and is

in custody since 25.02.2023.

5. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 135 litres of IMFL/country made liquor



from an open place.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from an open place and accessible by general public and it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of illicit liquor appears to be made from an open place i.e. public road, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Karakat P.S. Case No. 47 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-I, Rohtas at 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 involve in similar nature of offence 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) 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 shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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