

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47450 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- KORHA District- Katihar

Raju Chaurasia @ Kare Prasad Chourasia S/O Late Bhola Chaurasia Resident
Of Musaour (NEHAR), P.S.- Korha, Distt.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

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 Korha P.S.
Case No. 136 of 2023 registered for the offence under Section
Sections 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 10.05.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 5 litres of IMFL/country made liquor from an open place.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be made
from the banana clump behind the house of this petitioner, which is
an open place and accessible by general public and, as such 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 has been submitted that petitioner found involved in three more criminal cases of similar nature, 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 opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place, accessible by general public coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Korha P.S. Case No. 136 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 District and Sessions Judge-cum-Exclusive Special Judge (Excise) Court No. 2, Katihar/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) 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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