

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47453 of 2023

Arising Out of PS. Case No.-283 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Govind Chaudhary Son Of Late Triloki Chaudhary Resident Of Village-
Mallah Chakiya, Ps- Buxar, (M), Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, 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 Buxar (M)
P.S. Case No. 283 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 12.06.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 12.600 litres of IMFL/country made liquor from an open place like
bank of river.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be made
from bank of river, 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. It is submitted that petitioner found involved in two more criminal cases of similar nature, where he is on bail

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 like bank of river, where petitioner is in custody since 12.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Buxar (M) P.S. Case No. 283 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 Special Excise Court No. 1, Buxar/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 close relative of the present bail petition.”

(Chandra Shekhar Jha, J)

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