

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48270 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- TILAUTHU District- Rohtas

Jitendra Rajwar @ Jitendra Rajbanshi S/O Baban Rajwar R/O Village-
Bahera, Ps. Tilauthu, Dist. Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, 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 Tilautha
P.S. Case No. 134 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 27.06.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 60 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 from an open place i.e., nearby valley, which is 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 one more case, where he is on bail.

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, where petitioner is in custody since 27.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Tilautha P.S. Case No. 134 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 Excise Court No.2-cum-Additional District and Sessions Judge, 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 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)

S.Tripathi/-

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