

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48871 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- BRAHMPUR District- Buxar

Chandresh Mishra @ Bullet @ Chandeshwar Mishra S/O Rajendra Mishra
R/O Vill.-CHHOTAKI Nainijor, P.S- Brahampur (NAINIJOR), Distt.- Buxar.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 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
Brahmpur (Nainijor) P.S. Case No. 207 of 2023 registered for
the offence under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 20.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 51.840 litres of foreign liquor from the
motorcycle.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot and the alleged recovered motorcycle not appears to be connected in any manner with this petitioner, and as such, it can be safely said that recovery of alleged illicit liquor not appears to be made from his conscious physical possession. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. It is also pointed out that the name of petitioner surfaced on the basis of suspicion in present case as raised by local Chaukidar. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where petitioner is in custody since 20.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Brahmpur (Nainijor) P.S. Case No. 207 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 Exclusive Special Judge Excise Court No. 2, 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) 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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