

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40782 of 2024

Arising Out of PS. Case No.-249 Year-2024 Thana- GAYA MUFASIL District- Gaya

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Raju Kumar S/o Ganesh Sao @ Ganesh Saw R/o vill - Nauranga, P.S. -
Muffasil, Distt – Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 10-06-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned APP appearing on behalf of
- the State.
2. The petitioner seeks bail in connection with
- Muffasil P.S. Case No:- 249 of 2024 registered for the
- offence under Section 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 20.03.2024.
4. The allegation against the petitioner is to
- have in possession of 19.750 litres of illicit liquor and
- also involved in related trade.



5. Learned counsel appearing on behalf of the petitioner submitted that out of total recovered quantity major part of illicit liquor appears to be recovered from one abandoned house on the basis of confessional statement of petitioner recorded by the police. It is pointed out that the place of recovery is an open place and accessible by general public. It is submitted that as petitioner found involved in two more criminal cases of similar nature, for said reason only, police implicated this petitioner with present case also without having any connected evidence in this case. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has already 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 and by taking note of fact as recovery *prima facie* not appears to be made from conscious physical possession of this petitioner rather same appears to be made from an open place coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.03.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 249 of 2024 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 Excise Court No. 1, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions that:-

(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 after framing of charge 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.

(Chandra Shekhar Jha, J)

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