

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41089 of 2020**

Arising Out of PS. Case No.-39 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

CHANDAN SAHNI S/o Lalbabu Sahani R/o Village- Ward No. 5, Vijai
Chhapra, P.S.- Ahiyapur, District- Muzzafarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 23-07-2021 Heard Mr. Mukesh Kumar Jha, learned

Advocate for the petitioner and Mr. Shantanu Kumar,

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Ahiyapur P.S. Case No. 39 of
2020 dated 09.01.2020 instituted for the offences under
Sections 272 and 273 of the Indian Penal Code and
Sections 30(a), 36 and 38 of Bihar Prohibition and
Excise Act.

350.475 litres of liquor is said to have been
recovered from a bamboo orchard situated in front of
the house of the petitioner. The FIR further discloses



that the villagers told the police party that the petitioner and two others deal in liquor and therefore, the possibility of their owning the seized liquor cannot be ruled out.

Hence the prosecution of the petitioner.

Learned counsel for the petitioner has submitted that the recovery of liquor is from an open space and assuming but not admitting the fact that the bamboo orchard from where the recovery has been made is situated in front of the house of the petitioner, such recovery cannot be saddled upon him. Apart from this, it has been submitted that the information to the police party about the petitioner is vague as the source has not been disclosed.

The petitioner does not have criminal antecedents.

On these grounds, it has been urged that the offence under the Excise Act so far as the petitioner is concerned, is not made out.



For the facts aforementioned, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 39 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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