

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4775 of 2022**

Arising Out of PS. Case No.-479 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Sumangal Sahni @ Sheomangal Sahni Son of Lala Sahni R/O Mohalla-
Sikandarpur Bandh, P.S.- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Town P.S.
Case No. 479 of 2020 registered for the offence under Sections
272 and 273 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.11.2021.

The allegation against the petitioner is to run away
from the place where there was recovery of 85 liters of illicit
country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery has been made from an open place.



It has been submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery. It has further been submitted that the recovery has not been made from the conscious physical possession of the petitioner. It has been submitted that petitioner is involved in the one another case in which he is on bail. While concluding the argument, it has been submitted that compliance of Section 100 of Cr.P.C. has not been made in this case and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from an open place.

Considering the facts and circumstances as mentioned above, as the recovery has been made from an open place coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Town P.S. Case No. 479 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the 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 Nitu Kumari, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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