

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9945 of 2022

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

Sogarath Sahni @ Ramswarth Sahni Son of Late Balchand Sahni R/O
Village- Bandra, P.S.- Piar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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 Piar P.S.
Case No. 39 of 2020 registered for the offence under Sections
272, 273 and 120(B) of the Indian Penal Code and Sections
30(a), 33, 34 and 36 of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.11.2021.

The allegation against the petitioner is to have in
possession of 20 liters of country made liquor, which was
recovered from the house of the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that the recovery has been made from the house of the petitioner, which is jointly occupied by other family members, as such, it cannot be said that recovery has been made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and 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 submitted that the recovery has been made from the house of the petitioner, which is jointly occupied by other family members.

Considering the facts and circumstances as mentioned above, as nothing recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Piar P.S. Case No. 39 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), Court



No. II, Muzaffarpur, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Shobha Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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