

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10009 of 2022

Arising Out of PS. Case No.-997 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. Amarnath Sahani @ Amamnath Sahni Son of Baidhnath Sahani Resident of Mohalla - Muktidham Jhopar-Patti, P.S. - Town, District - Muzaffarpur.
 2. Laxman Sahni Son of Faldhari Sahni @ Phaldhari Sahni Resident of Mohalla - Muktidham Jhopar-Patti, P.S. - Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

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

The petitioners seek bail in connection with Town
(O.P. Sikandarpur) P.S. Case No. 997 of 2021 registered for the
offence under Sections 272, 273 and 34 of Indian Penal Code
and Sections 30(a) and 30(c) of Bihar Prohibition and Excise
Act, 2016-18.

The accused/petitioners are named in the F.I.R. and
petitioner no.1 is in custody since 16.12.2021 and petitioner
no.2 is in custody since 13.12.2021.



The allegation against the petitioners is to involve in illegal business of country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioners, moreover, as per the seizure list, the recovery has been made from an open place. While concluding the argument, it has further been submitted that petitioners are persons having 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 for 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 not been made from the conscious physical possession of the petitioners, who are the persons having clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Town (O.P. Sikandarpur) P.S. Case No. 997 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of learned Special Judge-Excise Act, Court No.1, Muzaffarpur,
subject to the following conditions:

“(i) Accused/Petitioners 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 petitioners, duly supported by
the documents.

(ii) That one of the bailors shall be
Sarita Devi, who is the wife of petitioner
no.1 and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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