

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12425 of 2022

Arising Out of PS. Case No.-713 Year-2021 Thana- KHAGARIA District- Khagaria

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PHULCHANDRA SAHNI S/o Phulo @ Sahni @ Fulo Sahni Resident of
Village- Moein Kabir Nagar, P.S.- Khagaria (Chtraguptnagar), District-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 29.11.2021, seeks
regular bail in connection with Khagaria (Chitraguptnagar) P.S.
Case No. 713 of 2021 registered for offences punishable under
Sections 30(a), Bihar Prohibition and Excise Act.

As per the allegation made in the FIR, altogether 4
litres of country-made liquor was recovered from a bag carried
by one co-accused Gautam Kumar, who disclosed the name of
the present petitioner.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is not involved either in the manufacturing of the liquor or its illicit sale in the State of Bihar. He has no concern with the alleged liquor which has been recovered from co-accused Gautam Kumar. Nothing has been recovered from the possession of the petitioner. He further submits that petitioner has been roped in the present case merely on suspicion and he is in custody since 29.11.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the nature of allegation made in the FIR, the alleged recovery was made from co-accused Gautam Kumar, who had disclosed the name of the petitioner, petitioner has remained in custody since 29.11.2021 on mere suspicion and the trial is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise I Khagaria in connection with Khagaria
(Chitraguptanagar) P.S. Case No. 713 of 2021 subject to the
following conditions:

(i) Bailors should be local having sufficient
immovable property within the jurisdiction of the Court
concerned.

(ii) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar
nature of offence, after his release on bail, the trial Court shall
take steps to cancel his bail bond.

(Purnendu Singh, J)

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