

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13021 of 2022

Arising Out of PS. Case No.-932 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. Rajiv Kumar Sahani S/o Dip narayan Sahani Resident of Arda Tola, Dharhara Ward No.05, P.S.- Sadar, District- Vaishali.
2. Gyanendra Kumar Sahani S/o Dip narayan Sahani Resident of Arda Tola Dharhara Ward No. 05, P.S. Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Ms .Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-07-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Hajipur Sadar P.S. Case No. 932 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and is in custody since 23.10.2021.

The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 144



litres of foreign liquor.

Learned counsel appearing on behalf of the petitioners submitted that the illicit liquor recovered from the partially constructed house of the petitioner, which is accessible by general public, as such, it cannot be said that recovery is made from conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed in this case, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that illicit liquor recovered from the partially constructed house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioners, who are man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 932 of 2021 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.1-cum-



Additional Sessions Judge, Vaishali at Hajipur, 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 Pramod Kumar, who is the brother-in-law of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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