

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16658 of 2022**

Arising Out of PS. Case No.-350 Year-2021 Thana- MINAPUR District- Muzaffarpur

Muntun Sahani S/o Ganesh Sahani Resident of Village- Panapur, P.S.-
Meenapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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

2 15-07-2022 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 Meenapur
P.S. Case No. 350 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.09.2021.

The allegation against the petitioner is to be engaged
in illegal manufacturing and trading of illicit liquor, where 22
liters of country made liquor alongwith other utensils have been



recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of country liquor alongwith manufacturing utensils is from the house of the petitioner, which is jointly occupied by other family members also, as such, it cannot be said that the recovery is from the conscious physical possession of the petitioner, who is otherwise a man of clean antecedent. It is submitted that seizure list is disputed as it is not in compliance of Section 100 of Cr.P.C. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the recovery is from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not 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, let the petitioner, above named, is directed to be released on bail in connection with Meenapur P.S. Case No. 350 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, Muzaffarpur/concerned Court, 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 Ganesh Sahani, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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