

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17161 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- PARSAUNI District- Sitamarhi

Upendra Sahni S/O Mahanth Sahni R/o village- Parshurampur, P.S.- Parsauni,
District- Bihar (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Rai, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Parsauni
P.S. Case No. 175 of 2021 registered for the offence under
Section 30(A) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.01.2022.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where 141 liters of Nepali liquor
was recovered.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery is from the field of one, namely,



Ramjas Mahto, as such, it cannot be said from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of disclosure made by chowkidar/secret information. It is further submitted that petitioner is in no way connected with the alleged recovery. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery is from land of one, namely, Ramjas Mahto, as per F.I.R.

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 Parsauni P.S. Case No. 175 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, Exclusive Excise Court-II, Sitamarhi, 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 Ghurani Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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