

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20831 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Naresh Sah Son of Ramchandra Sah R/O Village- Ramngagar, P.S.-
Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, 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 Siwaipatti
P.S. Case No. 151 of 2021 registered for the offence under
Section 272, 273 and 34 of the Indian Penal Code and 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 10.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 2
litres of country made liquor and 200 liters fermented solution



of jiggery.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery has been made from the hutment of the petitioner, which is jointly occupied by other family members, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is a man of clean antecedent. It has further been submitted that there is no compliance of mandatory provision of Section 100 of Cr.P.C., while preparing seizure list. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has been made from jointly occupied hutment of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Siwaipatti P.S.
Case No. 151 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-I,
Muzaffarpur, 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 Rekha Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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