

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25188 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Manoj Sahni Son of Late Ramadhar Sahani R/O Village - Gehuachak @
Chakki Rasulaganj, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 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 Motipur
P.S. Case No. 80 of 2021 registered for the offence under
Sections 272, 273 and 120(B) of the Indian Penal Code and
Sections 30(a), 34, 36 and 41(1)(2) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 50 litres of IMFL from the open area like 'Mann'.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of secret information received by the police spy, where recovery of illicit liquor was made from the open area like 'mann', and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, 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 alleged recovery is made from the open place like 'mann', as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Motipur P.S. Case No. 80 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.2, Muzaffarpur /concerned



court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Dashrath Sashani, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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