

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25800 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- AURAI District- Muzaffarpur

Santosh Ram Son of Late Shobit Ram R/O Village - Jata Pachiyari Tola, P.O.
And P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26371 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- AURAI District- Muzaffarpur

Dinesh Sahni son of late chanar sahani resident of village - amnaur, p.s.- Aurai,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26762 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- AURAI District- Muzaffarpur

Vipin Das son of nagendra das resident of village - amnaur, p.s. - Aurai,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26931 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- AURAI District- Muzaffarpur

Rekha Devi w/o devendra sahani r/o village- basant, p.s.- Aurai, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 27120 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- AURAI District- Muzaffarpur

Ram Vinay Sahni Son of Rajendra Sahni R/O- Vill- Amnaur P.S.- Aurai
District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25800 of 2022)

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

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

(In CRIMINAL MISCELLANEOUS No. 26371 of 2022)

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 26762 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

(In CRIMINAL MISCELLANEOUS No. 26931 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

(In CRIMINAL MISCELLANEOUS No. 27120 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022

Cr. Misc. No. 25800 of 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 Aurai P.S.



Case No. 51 of 2022 registered for the offence under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 14.03.2022.

The allegation against the petitioner is to have in possession of 82.800 liters of illicit liquor, which was recovered from an auto rickshaw.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner is aware about the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner. 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 petitioner is the driver of the alleged vehicle.



Considering the facts and circumstances as mentioned above, as recovery cannot be said 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 Aurai P.S. Case No. 51 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That 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 Meena Devi, who is the wife of the petitioner and deponent of the present bail petition.”



Cr. Misc. Nos. 26371 of 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 Aurai P.S. Case No. 51 of 2022 registered for the offence under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 14.03.2022.

The allegation against the petitioner is to involve in illegal manufacturing the trading of illicit toddy.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit toddy. It is pointed out that petitioner is involved in one another criminal case, in which he is on bail. 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 appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery was made from the open place.

Considering the facts and circumstances as mentioned above, as recovery was made from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner 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 Aurai P.S. Case No. 51 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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 Chandrakala Devi, who is the '*Bhabhi*' of the petitioner and deponent of the present bail petition."

Cr. Misc. No. 26762 of 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 Aurai P.S. Case No. 51 of 2022 registered for the offence under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of



the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 14.03.2022.

The allegation against the petitioner is to involve in illegal manufacturing the trading of illicit toddy.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit toddy. It is pointed out that petitioner is involved in one another criminal case, in which he is on bail. 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 appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery was made from the open place.

Considering the facts and circumstances as mentioned above, as recovery was made from the open place, as such, it cannot be said to be recovered from the conscious physical



possession of the petitioner 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 Aurai P.S. Case No. 51 of 2022 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 Act, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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
Chinta Devi, who is the wife of the petitioner
and deponent of the present bail petition.”

Cr. Misc. No. 26931 of 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 Aurai P.S.
Case No. 51 of 2022 registered for the offence under Sections
272, 273 and 34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.03.2022.

The allegation against the petitioner is to involve in
illegal manufacturing the trading of illicit toddy.

Learned counsel appearing on behalf of the petitioner
submitted that recovery was made from the open place, as such,
it cannot be said to be recovered from the conscious physical
possession of the petitioner. It is submitted that nothing surfaced
during the course of investigation, which may connect the



petitioner with the present recovery of illicit toddy. While concluding the argument, it is submitted that petitioner is a lady 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 recovery was made from the open place.

Considering the facts and circumstances as mentioned above, as recovery was made from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who is a lady 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 Aurai P.S. Case No. 51 of 2022 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 Act, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That 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 Jay Kishun Sahni, who is the brother of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 27120 of 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 Aurai P.S. Case No. 51 of 2022 registered for the offence under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 14.03.2022.



The allegation against the petitioner is to involve in illegal manufacturing the trading of illicit toddy.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit toddy. 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 recovery was made from the open place.

Considering the facts and circumstances as mentioned above, as recovery was made from the open place, as such, it cannot be said to be recovered 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 Aurai P.S. Case No. 51 of



2022 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 Act, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That 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 Bipati Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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