

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27801 of 2022

Arising Out of PS. Case No.-41 Year-2020 Thana- AURAI District- Muzaffarpur

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NARENDRA SHAHI @ BABLOO SHAHI @ NARENDRA KUMAR
SHAHI S/o Late Deoraj Shahi Resident of Village- Shahi Minapur, P.S.-
Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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. 41 of 2020 registered for the offence under Sections
272, 273 and 34 of the Indian Penal Code and Sections 30(a),
38(i) and 38(ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.03.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 505.410 litres of IMFL/country made liquor from the Vehicle bearing registration no. UP83BT-0590.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of secret information, where nothing surfaced during course of investigation to connect the petitioner, *prima facie*, with alleged recovery of illicit liquor, which was from abundant vehicle parked on the road. It is also submitted that petitioner is a man of clean antecedent, moreover, 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 that recovery of illicit liquor was not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Aurai P.S. Case No. 41 of 2020 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 conditions as
mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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