

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27397 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- KATRA District- Muzaffarpur

1. MUKESH SAHANI S/o Late Suresh Sahni @ Mahendra Sahni Resident of Village- Nagwara, P.S.- Katra, District- Muzaffarpur.
2. Sarvesh Sahani S/o Late Mahendra Sahni Resident of Village- Nagwara, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Katra P.S. Case No. 76 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 30(c) and 37(C) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 09.03.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 10 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor and utensils is from the house of the petitioners, which was jointly occupied and as such it cannot be said to be recovered from the conscious physical possession of the petitioners. Both the petitioners are men of clean antecedent. 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 that alleged recovery was made from the house of the petitioners.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Katra P.S. Case No. 76 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Exclusive 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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