

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28649 of 2022**

Arising Out of PS. Case No.-95 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

Shivchandra Sahani Son of Late Garbhu Sahani Resident of village - Pakri
Barkhurdar, P.S.- Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 06-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with
Muzaffarpur Excise Case No. 95 of 2022 registered for the offence
under Section 30(a), 30(c) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.02.2022.

The allegation against the petitioner is to have in
possession of 204 liters mixed fermented liquid of sugar cane,
which was recovered from behind the house of petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged illicit liquor was made from the backside of the house of the petitioner which is accessible by general public and as such it cannot be said that the recovery was made from conscious physical possession of the petitioner. it is submitted that investigation in this case is completed for which charge-sheet 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 the recovery was made from the open place as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery was made from the open place not 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 Muzaffarpur Excise Case No. 95 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 Court No.-II, Muzaffarpur city/concerned Court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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