

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35547 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- KANTI District- Muzaffarpur

CHANDESHWAR SAHNI Son of Ramashray Sahni Resident of Village -
Kanti Kothiya, Wrad No. 13, P.S.- Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-08-2022 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 Kanti P.S.
Case No. 43 of 2022 registered for the offence under Sections 272
and 273 of the Indian Penal Code and Section 30(a) 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 trade of illicit liquor, where, there is recovery of 6 litres of
illicit country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of
disclosure made by co-accused, namely, Nagendra Sahni and in



furtherance thereof no illicit liquor was recovered from conscious physical possession of the petitioner or any incriminating surfaced during course of the investigation, which may connect the petitioner with the present set of recovery. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kanti P.S. Case No. 43 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, Muzaffarpur/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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