

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37134 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Ravi Sahni Son of Brahmdev Sahni Resident of Village- Kanhauli Bishundatt
Mohan Sahni Tola, P.S.- Mithanpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Excise
P.S. Case No. 69 of 2021 registered for the offence under
Section 30(a) and 30(c) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the prosecution
report and is in custody since 31.03.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 10 litres of IMFL/country made liquor and 600 litres
Java from the hut of the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the hut of the petitioner, which is accessible by other family members and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It has been submitted that investigation is complete.

Learned APP, while opposing the prayer of bail, fairly conceded that the recovery of illicit liquor was made from the hut of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor has not been made from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 69 of 2021 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.IInd, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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