

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39291 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Mosafir Sahni Son of Late Budhan Sahni R/O Village- Harser, P.S.-
Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

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

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 Siwaipatti
P.S. Case No. 137 of 2021 registered for the offence under
Sections 272, 273, 120(B)/34 of the Indian Penal Code and
under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 100 litres of country made liquor and 1000 litres of raw materials from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor, along with utensils alleged to be used for manufacturing of illicit liquor, was recovered from an open place which is not connected in any manner with petitioner and further, accessible by general public denying thereof, conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no illicit liquor was recovered 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 Siwaipatti P.S. Case No. 137 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 Exclusive Special Judge, Excise Court
No.-1, Muzaffarpur in Siwaipatti/concerned court, subject to the
conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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