

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40720 of 2022

Arising Out of PS. Case No.-362 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Raghunath Sahni S/o Late Babulal Sahani R/o village- Ganeshwarpur, P.S.-
Remuna, District- Baleshwar (Orissa), Presently residing at Village-
Dharampur, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
	:	Smt. Divya Bharti, Advocate
For the State	:	Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 P.S. Case No. 362 of 2022 registered for the
offence under Sections 30(a) and 32(3) of the Bihar Prohibition
and Excise (Amendment) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.04.2022.



The allegation against the petitioner is to have in possession of 1560 liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the owner of the container from which the recovery of illicit liquor was made and nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. It is submitted that, admittedly, this is not a case of recovery of illicit liquor from the physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 P.S. Case No. 362 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/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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