

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43908 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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Ritlal Sahni Son of Kamleshwar Sahni Resident of Village - Chintamanipur,
P.s.- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 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 Gaighat
P.S. Case No. 17 of 2021 registered for the offence under
Sections 272, 273, 420, 467, 468, 471 and 34 of the Indian
Penal Code and Sections 30(a), 40(1) and 36 of the Bihar
Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 01.02.2022.

The allegation against the petitioner is to involve in



the illegal business of illicit liquor, where 1149.900 liters of foreign liquor was recovered from a truck bearing Registration no. RJ 09 GA 1210.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither the owner nor the driver of the alleged truck and is also not connected, in any manner, with the recovery of illicit liquor. It is further submitted that, admittedly, petitioner has been remanded in this case from Bochahan P.S. Case No. 61 of 2021 and this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that 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.

In view of 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 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 Gaighat P.S. Case No. 17 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 Excise Court No.1, 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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