

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46746 of 2022

Arising Out of PS. Case No.-378 Year-2021 Thana- TEGHRHA District- Begusarai

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Jitendra Sahni Son of Mannu Sahni Resident of Village - Fardi, P.S.- Teghra,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 21-09-2022 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 Teghra
P.S. Case No. 378 of 2021 registered for the offence under
Sections 30(a), 30(c) and 36 of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 91.125 litres of illicit IMFL /country made



liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the boat, which is not connected in any manner with this petitioner, admittedly this is not a case of recovery from physical possession. It is also submitted that other similar co-accused persons have already been granted anticipatory bail by one of the learned coordinate bench of this Court through Cr. Misc. No. 21331 of 2022 dated 05.08.2022. While concluding the argument, it has been submitted that seizure list is not supported by independent witnesses, rather same is supported by house guard personnels creating a doubt as regard to recovery and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is made from an open place where seizure list is also not supported by independent witnesses 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 Teghra P.S. Case No. 378



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 Excise Judge-I, Begusarai/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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