

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48435 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- JANDAHA District- Vaishali

Wakil Sahni @ Wakil Sahni S/o Meghan Sahni R/o village- Dhudhua, Ward
No. 07, Bhagwanpur, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-09-2022 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 Jandaha
P.S. Case No. 239 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
Section 414 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.05.2022.

A clerical error in petition pointed out by learned
counsel appearing on behalf of the petitioner in index part,
where inadvertently, instead of F.I.R. 'C2A' has typed, same
be corrected during course of the day.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 267.480 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the tractor, which not belongs to this petitioner, rather another co-accused, namely, Munna Kumar and as such it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent. It is submitted that 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 alleged illicit liquor not appears from conscious physical possession of this petitioner 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 Jandaha P.S. Case No. 239 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-cum-Additional District and Sessions Judge, Hajipur, Vaishali/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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