

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49706 of 2022

Arising Out of PS. Case No.-140 Year-2017 Thana- BUXAR INDUSTRIAL District- Buxar

Sani Singh @ Prasant Singh S/o Bhutan Singh @ Vijay Shankar Singh R/o
village- Byasi, P.S.- Kotwali (Balua), District- Balua (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, 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 Buxar
(Industrial) P.S. Case No. 140 of 2017 registered for the offence
under Sections 272, 273, and 34 of the I.P.C. and under Sections
30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and is in
custody since 20.04.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 172.240 litres of IMFL/country made liquor from the alleged
vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is the owner of the alleged vehicle from where illicit liquor was made. It is further submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge, as regard to consignment of illicit liquor. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation 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 recovery of illicit liquor cannot be said to be made from conscious physical possession of this 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 Buxar (Industrial) P.S. Case No. 140 of 2017 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, Buxar/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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