

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50942 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Lakhindar Sahni Son of Late Jailal Sahni R/V- Harser, P.S- Siwaipatti, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-10-2022 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 Siwaipatti
P.S. Case No. 137 of 2021 registered for the offence under
Sections 272, 273, 120(B)/34 of Indian Penal Code and 30(a)
(b) (c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.01.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 100 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of secret input provided by local chaukidars without any basis. It is further submitted that nothing surfaced/recovered during the course of investigation which may connect petitioner with the present manufacturing activities of illicit liquor. It is further submitted that recovery of alleged illicit liquor and utensils used in manufacturing process was made from an open place which is accessible by general public and as such it cannot be said that recovery was made from conscious physical possession of this petitioner. It is also submitted that seizure list is disputed being not supported by independent witnesses, rather by local Chaukidars. Petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, where 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 nothing surfaced/recovered to connect petitioner with alleged manufacturing of illicit liquor during the course of investigation 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 Siwaipatti P.S. Case No. 137 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 Judge, Excise Court-I, Muzaffarpur/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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