

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67028 of 2021

Arising Out of PS. Case No.-276 Year-2021 Thana- NAUTAN District- West Champaran

1. Naushad S/o Sanullah R/o village- Chapra Bahas, P.S.- Sugauli, District- East Champaran
2. Bittu Kumar S/o Ramprit Sahani R/o village- Jhakhiya, P.S.- Banjariya, Distt.- East Champaran
3. Sunil Kumar S/o Upendra Sahani R/o village- Jhakhiya, P.S.- Banjariya, Distt.- East Champaran
4. Raju Sahani S/o Yogendra Sahani R/o village- Bariyarpur, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Nautan P.S. Case No. 276 of 2021 registered for the offence under Sections 413 and 414 of Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and are in custody since 29.07.2021.



The allegation against the petitioners is to have in possession of total 343 liters of illicit liquor, which was recovered from a car and a motorcycle.

Learned counsel appearing on behalf of the petitioners submitted that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioners and nothing surfaced during the course of investigation, which may connect the petitioners with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that petitioner nos. 1, 2 and 4 are persons of clean antecedent and, moreover, 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 while opposing the prayer for bail fairly conceded that, this is not a case of recovery of illicit liquor from the physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, as this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail



in connection with Nautan P.S. Case No. 276 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, West Champaran, Bettiah/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Ramprit Sahani, who is the father of petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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