

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56593 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- BASOPATTI District- Madhubani

Binod Sahni Son of Upendra Sahni R/V- Bundelkhand, P.S- Basopatti, Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Advocate
For the State	:	Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-11-2022 At the outset, learned counsel for the petitioner submitted that in paragraph no.13, at page no.7, of the bail petition, inadvertently, period of custody has been wrongly typed as '24.08.2021' instead of '24.08.2022'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP 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 Basopatti



P.S. Case No. 166 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 24.08.2022.

The allegation against the petitioner is to have in possession of 72 liters of illicit Nepali liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, as he was arrested while running away from the place of recovery. While concluding the argument, it is submitted that 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 opposes the prayer of bail.

In view of the facts and circumstances. as mentioned above, as recovery not appears to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Basopatti P.S. Case No. 166 of 2022 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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