

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57912 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- MANIYARI District- Muzaffarpur

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GOPAL SAHNI @ GANESH KUMAR S/o Ramudit Sahni Resident of
village- Maghaur, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner 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 petitioner seeks bail in connection with Maniyari
P.S. Case No. 349 of 2021 registered for the offence under
Sections 272, 273 and 34 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 29.08.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
4012.545 litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that as petitioner was driving his motorcycle in zig-zag manner, ahead of the truck, from where, recovery of illicit liquor was made, mere on the basis suspicion, this petitioner has been implicated in the present case, as he is scouting the truck. It is further submitted that nothing surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the alleged recovery of illicit liquor. It is also submitted that admittedly recovery of illicit liquor was not made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already 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.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maniyari P.S. Case No. 349 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 Special Judge Excise Court No. II, 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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