

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.948 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- SIKARPUR District- West Champaran

Saroj Sahni Son of Sahdev Sahni Resident of Village - Nauka Tola,
Jagdishpur, P.S.- Jagdishpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aprajita, Advocate
	:	Mr. Animesh Kumar, Advocate
For the State	:	Ms. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-08-2022 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 Shikarpur
P.S. Case No. 351 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 18.09.2021.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 10 liter of illicit liquor
was recovered, alongwith other articles.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Lazim Ansari and in furtherance thereof, nothing incriminating recovered/surfaced, which may connect the petitioner with the alleged recovery of illicit liquor. It is pointed out that petitioner is involved in nine more criminal cases and in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of the present case. It is submitted that petitioner is involved in the present case due to his criminal antecedents. 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, while opposing the prayer of bail, fairly conceded that recovery was not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said 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 Shikarpur P.S. Case No. 351 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 Additional District Judge-II-cum-Special Judge, Excise, W. Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

The physical appearance of the I/O of this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

Ankit/-

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