

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67115 of 2022**

Arising Out of PS. Case No.-195 Year-2019 Thana- MAJORGANJ District- Sitamarhi

Subodh Kumar @ Subodh Sahni S/O Umesh Sahni Resident of Village- Janki
Nagar, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 23-12-2022 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
Majorganj P.S. Case No. 195 of 2019 registered for the offence
under 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 20.07.2022.

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



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from an Auto, which is a public carrier and name of this petitioner surfaced on the basis of disclosure of apprehended co-accused persons, namely, Babloo Kumar and Avinash Kumar. It is further submitted that in furtherance of said disclosure, nothing incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of recovery of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case 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 the alleged recovery of illicit liquor not appears to be made from the conscious physical possession of the 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 Majorganj P.S. Case No. 195



of 2019 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 Excise Court No. 1, Sitamarhi/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C., with further condition:

“That Accused/Petitioner 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 petitioner duly supported by the document.”

(Chandra Shekhar Jha, J)

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