

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18436 of 2023**

Arising Out of PS. Case No.-440 Year-2022 Thana- MADHUBAN District- East Champaran

Motilal Sah S/O Late Madan Sah Resident Of Village- Talimpur, P.S-  
Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Khurshid Anwar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      17-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 272, 273 of the Indian Penal Code and Sections 30(a), 32, 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 11.85 liters of illicit foreign liquor from as alleged house of the petitioner and the petitioner is alleged to be fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to his criminal antecedents. Petitioner has no concern with the



alleged recovery of illicit liquor. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious or constructive possession. It is further submitted that the petitioner is languishing in judicial custody since 6.1.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madhuban P.S. Case No. 440 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Motihari at East Champaran.

**(Sunil Kumar Panwar, J)**

Amandeep/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

