

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21391 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- MADHUBAN District- East Champaran

Motilal Sah, Son of Late Madan Sah, R/V- Talimpur, P.S.- Madhuban District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Madhuban P.S. Case No. 383 of 2022 dated 10.02.2022
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Sections 30 (a), 32 and 41(i)
of Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 210.96 litres of Indian made foreign liquor and the
same is stated to have been recovered from a bamboo orchard
but the petitioner has no concern with the said orchard and he is
not owner of the same and he was not apprehended at the spot
of recovery, in fact he has been made accused mainly on



account of his criminal antecedents and all the cases of his antecedents relate to the same police station which shows that he is being implicated continuously in the offences of the Excise Act where the police fail to find the accused persons and in the present matter the accused persons managed to escape on seeing the police party and the local chaukidar disclosed the name of this petitioner as well as co-accused persons. Further submissions are that the petitioner has been languishing in jail since 21.01.2023 and against him the investigation has been completed and he is on bail in four cases of his antecedents.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the completion of investigation against the petitioner and also the fact that the petitioner was not apprehended at the spot and the recovery of the alleged wine is stated to have been made from a bamboo orchard and petitioner is not owner of the said orchard and the FIR goes to show that the petitioner's name was disclosed by a police chaukidar, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Madhuban P.S. Case No. 383 of 2022 on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the
like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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