

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29086 of 2023

Arising Out of PS. Case No.-317 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Chuman Sahni S/O Bahram Sahani @ Lal Babu Sahni R/O Village-
Manjhariya, P.S- Turkauliya (Raghunath Pur O.P), Distt.- East Champaran.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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

Turkauliya (Raghunath Pur) P.S. Case No. 317 of 2021

registered for the offence under Sections 30(a)/32/41(1) of Bihar

Prohibition Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in

custody since 28.02.2022.

The allegation against this petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there

was recovery of 66 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of suspicion of local SHO, where nothing incriminating surfaced during the course of investigation in furtherance of such suspicion so as to connect petitioner, prima facie, with the present recovery of illicit liquor. It is submitted that alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. It is also submitted that as petitioner found involved in nine more criminal cases, his name surfaced in present case without having any connecting material out of suspicion arises from those criminal antecedents. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.02.2022, accordingly the petitioner, above named, is directed to be released on bail in



connection with Turkauliya (Raghunath Pur) P.S. Case No. 317 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 Exclusive Special, Excise Court No. 1, Civil Court, East Champaran at Motihari/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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