

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41016 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- BALIA BELON District- Katihar

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1. Raja Sahani @ Raja Sahni Son Of Puran Sahani Resident Of Village- Supaul Bazar Sirat, Ps- Ghanshyampur , Distt- Darbhanga.
 2. Birju Kumar Son Of Late Mahesh Sahani Resident Of Village- Supaul Bazar Sirat, Ps- Ghanshyampur , Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-07-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioners seek bail in connection with Balia
Belon P.S. Case No. 52 of 2023 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 24.04.2023.

5. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 455.64 litres of IMFL/foreign liquor from



the alleged vehicle.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioners are labour engaged for unloading pick-up-van, from where alleged illicit liquor was seized. It is submitted that nothing surfaced during the course of investigation that petitioners were aware about the illegal consignment of illicit liquor, and as such, it cannot be said that same recovered from their conscious physical possession. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as implication of petitioners appears *prima facie* being labour, who are of clean antecedents, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 24.04.2023, accordingly, petitioners above named, are directed to be released on bail in connection with Balia Belon P.S. Case No. 52 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of learned In-charge-Cum-Exclusive Special Judge Court No. I
Katihar/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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