

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35715 of 2023

Arising Out of PS. Case No.-229 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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CHUMAN SAHNI Son of Bahram Sahni @ Lalbabu Sahni @ Lalu Sahani
Resident of village - Majhariya, P.S. - Turkauliya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Excise Case No.229 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 21.03.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 25 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that recovery of illicit liquor appears to be
made from bank of Majhariya river, which is an open place and



accessible to general public, as it can be said safely that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that reason of implication of this petitioner, in present case, is also suspicion, arises from his criminal antecedents, as he found involved in 08 more criminal cases, where in maximum of cases his implication appears on suspicion, as of present case, having otherwise no bearing over the merit of this case. While concluding the argument, it is 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.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of 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 21.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Excise Case No.229 of 2020 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.2, Motihari, East Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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