

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35542 of 2023

Arising Out of PS. Case No.-80 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Chuman Sahni S/O Bahram Sahni @ Lalbabu Sahni @ Lalu Sahani R/O
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 : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Excise P.S. Case No. 80 of 2020 registered for the offence under

Section 30(a) of the Bihar Prohibition and Excise Act.

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 trading/manufacturing of illicit liquor, where,

there is recovery of 339 litres of IMFL/country made liquor

from the house.

5. Learned counsel appearing on behalf of the

petitioner submitted that alleged recovery of illicit liquor



appears to be made from under construction house belongs to three different co-accused persons including this petitioner and as such it cannot be said that alleged illicit liquor was recovered from conscious physical possession of this petitioner. It is further submitted that similarly situated co-accused Bhuar Sahani has already granted bail by one of the learned co-ordinate Bench of the court through Cr. Misc. No. 27567 of 2021 vide order dated 24.12.2021. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged illicit liquor not appears to be recovered 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, accordingly, above named petitioner is directed to be released on bail in connection with Excise P.S. Case No. 80 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) 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 conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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