

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42211 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- SUGAULI District- East Champaran

Umesh Sahni Son of Late Arjun Sahni Resident of village - Mehwa, P.S. -
Sugauli, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with
Sagauli P.S. Case No. 547 of 2022 registered for the offence
under Sections 272, 273/34 of the India Penal Code and 30(a),
41(1) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 04.04.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 20 litres of IMFL/country made liquor from
open field.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor appears to be made from an open field which belongs to this petitioner. It is submitted that alleged field is open, accessible by general public therefore, it cannot be said that illicit liquor was recovered from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, 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.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as alleged recovery of illicit liquors 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 04.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sagauli P.S. Case No. 547 of 2022 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. 1, 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)

Archana/-

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