

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45010 of 2023

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

BHOLA SAHNI son of Late Ramadhar Sahni Village- Mehawa Ps- Sugauli
Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 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 Sugauli
P.S. Case No. 547 of 2023 registered for the offence under
Section 30(a) 41(i) of the Bihar Prohibition and Amendment
Excise Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 18.04.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 15 litres of IMFL/country made liquor from
the possession of petitioner.



6. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from an open place and not from physical possession of this petitioner, which is accessible by general public. It is submitted that nothing surfaced during the course of investigation that petitioner was connected with the manufacturing activities of illicit liquor as alleged. It is submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by Chaukidar, where implication of this petitioner is also arises out of suspicion, as he found involved in six more criminal cases, where he is on bail and where in maximum of cases, he was implicated out of suspicion as of the present case, 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 the fact as save and except suspicion, nothing incriminating appears to be recovered to connect petitioner *prima facie* with the present recovery of illicit liquor, coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 18.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Sugauli P.S. Case No. 547 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge 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., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned 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 shall be
deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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