

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42604 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- AMNAUR District- Saran

Shankar Sah S/O Late Ram Ekbal Sah R/O Village- Bishunpur Piprahi Ps
Amnour Distt. Saran at Chapra.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 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
Amnour P.S. Case No. 06 of 2023 registered for the offence
under Sections 272, 273/34 of the Indian Penal Code and
Section 30, 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.01.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is total recovery of 187.7 litres of IMFL/Country made, where recovery from the sack of petitioner is 12.700 litres.

6. Learned counsel appearing on behalf of the petitioner submitted that as per seizure list, it can be said safely that the recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. It is submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnel. 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 as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Amnour P.S. Case No. 06 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 Addl. Sessions Judge-II-Cum-First Exclusive Special
Judge, Excise, Saran, Chapra/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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