

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40215 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Rajesh Sahani Son Of Rajendra Sahani Resident Of Village- Math Majhauli
P.S Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 18-07-2023 1. 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

Runnisaaidpur P.S. Case No. 239 of 2023 registered for the offence

under Section 120 of the Indian Penal Code and under Section 30(a),

32(i) (ii), 36 and 41(i) (ii) of the Bihar Prohibition and Excise Act.
4. The accused/petitioner is named in the F.I.R. and is in

custody since 11.05.2023.
5. The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 1268.560 litres of IMFL/country made liquor from the alleged

vehicle.
6. Learned counsel appearing on behalf of the petitioner

submitted that petitioner is a driver and nothing surfaced during the



course of investigation which may suggest that he was under knowledge about carrying illegal assignment of illicit liquor and, as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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, as petitioner is a driver, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Runnisaidpur P.S. Case No. 239 of 2023 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 Judge-I, Sitamarhi/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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