

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47360 of 2023**

Arising Out of PS. Case No.-205 Year-2023 Thana- KESARIA District- East Champaran

RAKATOO SAHANI S/O LATE LAKSHMAN SAHANI @ LAXMAN
SAHANI R/O VILLAGE- BAIRIYA WARD NO. 05, PS. KESARIYA, DIST.
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-08-2023 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 Kesariya
P.S. Case No. 205 of 2023 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections 30(a),
32 and 41(i) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 22.04.2023.

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



recovery of 52 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor and manufacturing apparatus appears to be made from an open place and not from the conscious physical possession of the petitioner. It is also submitted that similarly situated co-accused, namely Mithoo Yadav and Abhimanu Kumar, has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.37645 of 2023 vide order dated 28.06.2023. While concluding the argument, it is 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.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor and manufacturing apparatus not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kesariya P.S. Case No. 205 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 Court No.II, East Champaran, Motihari/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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