

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45144 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- BALIA BELON District- Katihar

Bharat Sahni Son Of Mani Sahani Resident Of Village - Joyantipur Pahdi,
P.S. - Bahera, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 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 Balia P.S.
Case No. 71 of 2023 registered for the offence under Section 30-A
of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 05.06.2023.



4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 23.25 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the motorcycle. It is submitted that petitioner is neither the owner nor connected in any manner with the alleged motorcycle and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in one more case, 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.

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 alleged illicit liquor 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 05.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Balia P.S. Case No. 71 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 Special Judge, Excise Court No.1, Katihar/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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