

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47831 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Mahangu Sahni @ Jitendra Sahni, S/o Bhuklal Sahani, R/o Village-Kataha,
P.S-Muffasil, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Muffasil P.S. Case No.135 of 2022 registered for the

offence punishable under Sections 30(b), 32 and 41(i) of the

Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The accused/petitioner is named in the FIR and is

in custody since 26.04.2023.

4. Allegation against the petitioner is to have in

possession of 1000 liters of partly-made illicit country-made

liquor.

5. It is submitted by learned counsel that alleged

recovery of illicit liquor was made from bank of Sikrahana river,



which is an open place and, as such, it can be safely said recovered illicit liquor not appears to be made from conscious physical possession of this petitioner. While concluding argument, it is submitted that investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as alleged recovery of illicit liquor appears to be made from an open place coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.04.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, East Champaran, Motihari in connection with Muffasil P.S. Case No.135 of 2022 subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in similar nature of criminal case till the conclusion of trial, failing which the Trial Court is at liberty to



cancel the bail bond of the petitioner if pressed by State.

(ii) That petitioner shall co-operate 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 Geeta Devi, who is the wife of the petitioner and deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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