

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71106 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- JAYNAGAR District- Madhubani

AMARNATH SAHNI SON OF KARI SAHNI RESIENT OF VILLAGE -
AKAUNAHA, P.S. - DEODHA, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate.

For the Opposite Party/s: Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Jaynagar P.S. Case No. 338 of 2023 dated 11.8.2023 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, the police received secret information about storage of illicit liquor in a *Gumti* near Jaynagar Bazar Samiti. A raid was conducted and police found a person standing there along with some sacks and bags of plastic who started running on seeing the police party. The said person was chased and apprehended, who disclosed his name as petitioner of this case. On checking of two sacks and four bags of plastic, 180 litres of *Nepali* country made liquor was



recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no recovery of any incriminating article from conscious possession of this petitioner. Petitioner is a labourer and he was returning from his work when he was apprehended merely on suspicion. His confession was extracted and he was falsely implicated in this case. The seizure list has not been prepared according to the provision of Section 100 Cr. P.C. The petitioner is in custody since 12.8.2023 and is having no criminal antecedent. Charge sheet has been submitted.

5. Learned APP opposes the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the submission of charge sheet and period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani,



Distt. Madhubani, in connection with Jaynagar P.S. Case No. 338 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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