

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15123 of 2024

Arising Out of PS. Case No.-1080 Year-2023 Thana- MAJHAULIA District- West
Champaran

-
1. Surendra Sah SON OF JAWAHAR SAH Village- Madhopur Ahir Tola ward
no 09 Police station -Majhauriya, dist- west champaran.
 2. JAWAHAR SAH SON OF LATE NATH SAH Village- Madhopur Ahir Tola
ward no 09 Police station -Majhauriya, dist- west champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. At the outset, it is submitted by learned

counsel for the petitioners that during pendency of this

case, petitioner no. 2, namely, Jawahar Sah has already

been arrested, as such, present anticipatory bail

application of petitioner no. 2 has become infructuous.

3. Accordingly, the prayer of anticipatory bail

application of petitioner no. 2, namely, Jawahar Sah



stands dismissed as withdrawn having become infructuous.

4. Now, this application survives only for petitioner no. 1, namely, Surendra Sah.

5. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Majhauriya P.S. Case No. 1080 of 2023, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

6. The allegation against above named petitioner no. 1 is to involve in illegal trading of illicit liquor and, as such, he was found in possession of 14 litres of country made illicit liquor.

7. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor was recovered from the orchard of one Prem Patel, which is an open place and accessible by general public and, as such, it cannot be said that alleged recovery of illicit



liquor was made from conscious physical possession of this petitioner. It is further submitted that seizure list also appears doubtful, for the reason that same appears supported by Bihar Home Guard Personnel, not by independent witnesses. Petitioner is a man of clean antecedent.

8. Learned APP opposes the prayer of bail.

9. Considering the aforesaid facts and circumstances, as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, where seizure list also *prima facie* appears doubtful being not supported by independent witnesses, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Judge Excise-II, Bettiah, West



Champaran/concerned Court, where the case is pending
in connection with Majhauriya P.S. Case No. 1080 of
2023, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

