

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36329 of 2024

Arising Out of PS. Case No.-137 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Jay Karan Sahani, Son of Yogendra Sahani, Resident of Village- Harser, P.S-
Siwaipatti, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 28-06-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Siwaipatti

P.S. Case No. 137 of 2021, registered for the offences

punishable under Sections 272, 273, 120(B)/34 of the

Indian Penal Code and Section 30(a)(b)(c) of Bihar

Prohibition and Excise Act, 2018.
3. The allegation against above named

petitioner is to involve in manufacturing of illicit country

made liquor and further alleged to involve in illegal trade



arising thereof alongwith 34 named co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor alongwith utensils and gas cylinder etc. appears to be recovered from an open place i.e. an open bed of Gandak river, which is accessible by general public, and as such, it can be said safely that recovery of alleged country made liquor not appears to be made from the conscious physical possession of this petitioner. It is further submitted that the seizure list also appears doubtful being not supported by independent witnesses, rather same appears to be supported by local Chaukidars, who are interested witness. While concluding the argument, it is pointed out that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of anticipatory bail.

6. Considering the aforesaid facts and circumstances, as recovery of illicit country made liquor



and other materials appears to be made from an open place i.e. bed of Gandak river and not from the conscious physical possession of this petitioner, who is a man of clean antecedent, 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 Excise Judge-III, Muzaffarpur/concerned Court, where the case is pending in connection with Siwaipatti P.S. Case No. 137 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

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

