

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41164 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- BARARI District- Katihar

1. Surendra Sahni Resident of Village Azampur Markhaha, P.S. Barari(Semapur), District Katihar
2. Moti Sahni S/O Rajendra Sahni Resident of Village Azampur Markhaha, P.S. Barari(Semapur), District Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Md Musowir

Mr. Saroj kumar

For the Opposite Party/s : Mr. Kanhiya Kishor,APP

Mr. Anil Kr. Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioners seeks bail in connection with

Barari (Semapur) P.S. Case No. 125 of 2024 registered

for the offence under Section 30(a) of the Bihar

Prohibition and Excise Act, 2018.

3. The petitioners are named in the F.I.R. and

is in custody since 16.04.2024.

4. The allegation against the petitioners is to be

engaged in illegal trading of illicit liquor, where, there is



recovery of 100 liters of country made liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that the motorcycle in issue is nowhere connected with the petitioners and as such it cannot be said that the recovery of illicit liquor was made from conscious physical possession of the petitioners. It is further pointed out that the seizure list appears doubtful being not supported by independent witnesses rather by police personal. While concluding argument it is submitted that the petitioner no. 1 is found involved in one more case in which he is on bail and petitioner no. 2 is a man of clean antecedent.

6. Learned APP, opposes the prayer of bail.

7. In view of the aforesaid factual submissions, as recovery of illicit liquor appears *prima-facie* doubtful from the conscious physical possession of the petitioners where the petitioners are in custody since 16.04.2024, accordingly, let the petitioners, above named, is directed to be released on bail in connection with Barari



(Semapur) P.S. Case No. 125 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive, Special Judge, Excise Court No. 1, Katihar, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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