

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14270 of 2018

Arising Out of PS.Case No. -14 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

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1. Baidya Nath Sahani S/o Maksudan Sahni, R/o Village- Pakri Dih, P.S.-
Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
01.02.2018 in connection with Excise Case No. 14 of 2018 for
offences punishable under Section 30 (a) (d) and 38 (i) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Excise Officials,
is that on secret information that illicit country made liquor is
being prepared, a raid was conducted and from the place near the
river 10 liters of country made wine and 16 earthen pot kept under



the earth containing Java liquid was found which was alleged to belong to the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated. He submits that he is not concerned with the said preparation of country made Mahua wine and even this exact amount of Java wine would not be ascertained as those earthen pots have been broken. He submits that nothing has been recovered from his conscious possession and he undertakes to cooperate in the investigation, provide necessary details and also undertakes not to tamper with the evidence or prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Excise Case No. 14 of 2018, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property,



who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Devendra/-

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