

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5442 of 2019

Arising Out of PS. Case No.-412 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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GANESH SAHANI, aged about 40 years, Gender- Male, Son of Kapil Dev Sahani, Resident of Village – Jhakhiya, Police Station- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30 (a) and 30 (f) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on a secret information, 21 litres of country made liquor, a gas cylinder and 1,000 litres of fermented mahua contained in three big drums were recovered from the petitioner.

It is submitted by learned counsel for the petitioner that the



recovery has not been made from the conscious possession of the petitioner rather the said recovery has been made from the embankment of Majhariya River. A statement has been made in paragraph no.3 of the petitioner that the petitioner was accused in two other cases but in those cases, he is on bail.

It is submitted by learned APP for the State that the complicity of the petitioner transpired during the investigation.

Considering the fact that the seizure list suggests that recovery has not been made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Special Judge Excise, East Champaran, Motihari** in connection with **Excise Case No.412 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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