

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14382 of 2019**

Arising Out of P.S. Case No.-28 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

SHIVNATH SAHNI (Male), aged 25 years, son of Late Sukhari Sahni,
residence of village-Dheng, Ward No.01, Police Station-Mejorganj, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Singh Shastriji, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 11-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
20.01.2019 in connection with Complaint Case No.C-2/28 of
2019 for the offence alleged under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the SSB Officials
is that petitioner was apprehended near the Indo Nepal Border
concealing 153 litres of Nepali Saufi wine in a sugarcane field
near the border. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent,
lives near the Indo Nepal Border and due to highhandedness of



the SSB Officials, he was made to confess although he does not know how to read and write. He further submits that nothing has been recovered from his conscious possession and he is languishing in judicial custody since nearly two months.

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

Considering the nature of allegations and that the petitioner bear a clean antecedent, let the petitioner, above named be released on bail on completion of three months in custody on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No.C-2/28 of 2019 to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi, 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)

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