

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4030 of 2020

Arising Out of PS. Case No.-410 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

VISHWANATH SAHANI Son of Satal Sahani @ Satahu Sahani, Resident of
Village - Bangra Nizamat, P.S.- Sahebganj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar
For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-05-2020 Heard.

The proceeding has been conducted through video conferencing.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a)(d) (g) and 41(1) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018 as he is languishing in custody since 16.11.2019.

The prosecution case, as per the self statement of SI Raju Kumar, SHO, Sahebganj Police station recorded on 27.9.2019 at 5.15 P.M. is to the effect that on the same day, raid was being conducted for illegal trafficking of liquor when secret information was received that co-accused Mukesh Rai,



Gauri Mukhiya and Raju Mukhiya and petitioner Vishwanath Sahani are running a country made liquor manufacturing unit. Consequently, raid was laid leading to seizure of 35 litres of country made liquor while 200-300 litres of fermented Mahua was destroyed. The accused persons managed to escape from the scene.

It is submitted by learned counsel for the petitioner that the seizure has been made from an open area which is mentioned in the seizure list as Bangara Nijamat Diyara. There is nothing on record to suggest that the place of recovery belongs to the petitioner. It is further submitted that no equipment for manufacturing liquor except two drums were recovered which suggests that no manufacturing unit was being run. However, the petitioner is accused in two other cases of similar nature.

Learned APP, after going through the case diary, submits that on secret information that petitioner and others are manufacturing country made liquor, raid was laid leading to recovery. However, he submits that the investigation has already been concluded.

Considering the fact that the materials on record suggests recovery from an open area, there is nothing on



record to suggest that the place of seizure belongs to the petitioner and the fact that investigation has already been concluded coupled with the period in custody, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Sahebganj P.S. Case No.410 of 2019.

However, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Adhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Sahebganj P.S. Case No.410 of 2019 including one surety given at the time of provisional bail.

Since the petitioner is accused in three similar



cases, the learned Court below will be at liberty to cancel the bail bonds if the petitioner gets substantially involved in offences of similar nature.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lock down, due to present pandemic Covid-19, is not over in three months.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

