

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20101 of 2020**

Arising Out of PS. Case No.-10 Year-2003 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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HULAS SAHANI, S/o Late Petu Sahani, Resident of Village- Jhakhiya, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 08-07-2020 The Court proceeding has been conducted through
virtual mode.

Since the physical Court is not functional due to the
present pandemic, Covid-19, the matter has been listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
bench.

Heard learned counsel for the petitioner and the
State.



The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 47(a) and (f) of the Bihar Excise Act.

The prosecution case as per the prosecution report submitted by Inspector of Excise, Motihari dated 09.03.2003 is to the effect that on the basis of secret information, a raid was laid when on seeing the raiding party, 2-3 accused persons escaped from the scene. Subsequently, on frisking, 80 litres of country made liquor and 450 litres of fermented mahua were recovered from a hutment situated at the embankment of river.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the hutment from where the recovery of liquor has been made, hence, the said recovery cannot be treated to be made from the conscious physical possession of the petitioner, but due to ulterior motive, he has been implicated in the present case. It is further submitted that the petitioner was not aware about the notice being issued to him and the impugned order suggests that non-bailable warrant of arrest has been issued on 01.02.2020. Thereafter vide order dated 22.06.2019, the process under Sections 82 and 83 have been issued.



Learned APP for the State submits that it is a case of 2003 whereas the petitioner has preferred the present application with a prayer for anticipatory bail on 15.06.2020.

Considering the fact that the case was registered in 2003, the petitioner moved before this Court after issuance of process under Sections 82 and 83, as gets reflected from the impugned order, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for bail on behalf of the petitioner is rejected.

Let the learned Court below consider the prayer for regular bail of the petitioner and preferably dispose of the same on the said day, if the petitioner surrenders within a period of six weeks in connection with Tr. No. 1803 of 2017, arising out of Excise Case No. 283 of 2019, pending before the learned Special Judge, Excise Act, East Champaran at Motihari.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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