

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17602 of 2020**

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Jhigan Sahani, aged about 65 years, male, son of Late Gena Sahani, R/o
village- Majhad, P.S.- Turkauliya, district- East Champaran... .. Petitioner
Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP
Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-05-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

The petitioner is seeking regular bail in connection
with Excise Case No. 71 of 2020 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

It is the case of the petitioner that nothing has been
recovered from his conscious possession or constructive
possession, he is in custody since 05.02.2020 having no criminal
antecedent. It is his further case that the alleged recovery has
been made from a field.

Learned APP for the State has opposed the prayer for
regular bail of the petitioner. It is, however, not the case of the



State that the investigation in this case is not complete and/or release of the petitioner is at this stage in any way going to affect the trial.

Considering the facts and circumstances of the case wherein it is the case of the petitioner that he has remained in custody for over three months having no criminal antecedent and the illicit liquors are said to have been recovered from a field, investigation against him is complete and there is no chance of tampering with the evidence if the petitioner is released on bail as there is no such submission on behalf of the State, this Court directs release of the petitioner above named on bail in connection with Excise Case No. 71 of 2020 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned 9th Additional Sessions Judge-cum- Special Judge, Excise, East Champaran, Motihari, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

