

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18266 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

=====

MOTI SAHANI Son of Late Mahendra Sahani Resident of Village -
Akbarpur, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 15-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016, as amended by the Amendment Act 8 of 2018.

The prosecution case as per the written report of Umesh



Prasad Singh, S.I. submitted before the S.H.O., Ahiyapur Police Station is to the effect that on 03.02.2020 at 5.10 A.M., during night patrolling, two persons, namely, Raju Sahni and Raj Kishore Sahni were found in ineberrated condition and consequently they were apprehended. Subsequently, on the disclosure of the apprehended co-accused, 3 litres of Indian Made Foreign liquor were recovered from the possession of the petitioner. The accused persons further disclosed that they used to bring liquor from co-accused, Indal Paswan. Subsequently, the house of co-accused, Indal Paswan was raided total, 62.925 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. The petitioner is languishing in custody since 4-02-2020 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery of liquor has been made from the possession of the petitioner also.

Considering the quantity of recovery, the investigation being already concluded, period under custody coupled with statement made in paragraph no.3 of the petition with regard to



criminal antecedent of the petitioner and the said statement being not controverted by learned counsel for the State, 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 Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 122 of 2020.

However, in view of the present pandemic, COVID-19, 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 Aadhar 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 122 of 2020.

The learned Court below will further be at liberty to extend the period of provisional bail further if the



court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

