

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19227 of 2020

Arising Out of PS. Case No.-33 Year-2019 Thana- SARAI District- Vaishali

MITHLESH SAHANI Son of Rameshwar Sahani Resident of Village -
Dharhara, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-06-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Sarai P.S. Case No.33 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant, S.H.O. of Sarai P.S., alleged that on the bank of a pond of Arun Singh @ Arjun Singh, Rameshwar Sahani had constructed a thatched house for hatchery. In the garb of hatchery, Rameshwar Sahani, his sons, Akhilesh Sahani and Mithlesh Sahani(the petitioner), Pankaj Shukla, Jitendra Rai, Ramesh Rai and Rakesh Sahni are alleged to have involved in illicit trade of liquor and they had kept huge quantity of liquor in the hut. On search, a recovery was made and 1734.84 liters of Indian made foreign liquor of different brands were recovered.

The learned counsel for the petitioner submits that petitioner is the son of Rameshwar Sahani but he has got no manner of concern with the hut. The father of the petitioner has not taken the pond on lease. Nothing has been recovered from the conscious possession of the petitioner. Recovery was made



from a lonely place. Rakesh Sahni, similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court by order dated 09.04.2019 passed in Cr. Misc. No.22516 of 2019. The case of the petitioner stands on the same footing. Petitioner is also falsely implicated in Sarai P.S. Case No.161 of 2018.

It appears that raid was conducted on the bank of a pond belonging to Arun Singh @ Arjun Singh and there is nothing to show that the petitioner had kept liquor in the hut. Petitioner was not apprehended on the spot. Petitioner is in jail since 10.01.2020. Petitioner has remained in jail for about five months and similarly situated co-accused Rakesh Sahni has already been enlarged on bail.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 2nd -cum-Special Judge, Hajipur at Vaishali in connection with Sarai P.S. Case No.33 of 2019.

(Prabhat Kumar Jha, J)

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