

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17498 of 2020

Arising Out of P.S. Case No.-35 Year-2020 Thana- MANIGACHHI District- Darbhanga

Uchit Sahani, aged about 50 years (Male), Son of Bhikhari Sahani, Resident of Village + P.O-Nehra, P.S-Manigachhi (Nehra O.P.), District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-05-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Surendra Kumar Mishra, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Manigachhi (Nehra OP) PS Case No. 35 of 2020 dated 08.02.2020 instituted under Sections 272 and 273/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The petitioner has been made accused on the basis of name taken by the arrested co-accused Prem Sahani, who was



caught in the mango orchard of one Himanshu Chaudhary, with 420 litres of Nepali liquor and the allegation is that the petitioner was the supplier of such liquor.

5. Learned counsel for the petitioner submitted that he was not caught at the spot and has been falsely implicated by the co-accused. It was also submitted that there has been no recovery from the petitioner. Learned counsel submitted that though there are two other cases against the petitioner of the year 1998 and 2000, but not under the Excise Act. It was further submitted that the petitioner is in custody since 09.02.2020.

6. Learned APP submitted that the co-accused, who was arrested, has stated that the petitioner was the supplier of the liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in Manigachhi (Nehra OP) PS Case No. 35 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond



with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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