

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18197 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- BISHUNPUR District- Darbhanga

MUKESH SAHNI S/o Pramod Sahni @ Pramod Sahani Resident of Village-
Jathnalpur Ward No.23, P.S.- Kalyanpur, Distt- (Wrongly mentioned in F.I.R.
of Accused Column in District Darbhanga in place of Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, A.PP.

Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Vinay Kumar Mishra, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with G.O. Case No. 249 of 2020 arising out of Bishanpur P.S. Case No. 16 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 43.92 liters of illicit liquor from a Tempo, which was being driven by the



petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that since a passenger was also sitting in the vehicle, who has also been arrested, it cannot be ruled out that the illicit liquor belongs to him. Lastly, it is submitted that the petitioner is languishing in custody since 25.2.2020.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since 25.2.2020, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge (Excise), Darbhanga in connection with G.O. Case No. 249 of 2020 arising out of Bishanpur P.S. Case No. 16 of 2020.

It is further directed that once the lock-down is over



and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge (Excise), Darbhanga in connection with G.O. Case No. 249 of 2020 arising out of Bishanpur P.S. Case No. 16 of 2020, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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