

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22238 of 2020

Arising Out of PS. Case No.-94 Year-2020 Thana- KESARIA District- East Champaran

1. ANAND SAHANI S/o Sambhu Sahani Resident of Village- Phultakiya, P.S.- Kesharyiya, Distt- East Champaran
2. Ranjan Sahani S/o Sambhu Sahani Resident of Village- Phultakiya, P.S.- Kesharyiya, Distt- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-09-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Kesariya P.S. Case No. 94 of 2020, disclosing offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioners have no criminal antecedent as disclosed in the paragraph 3 of the application. Allegedly, from the petitioners' possession, the police recovered a total of 39.120 liters of Indian made foreign liquor.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are in custody since 07.03.2020, and there is no chance of them fleeing from the



course of trial, if allowed regular bail. He has questioned the legality of the manner, in which, the seizure of so called illicit liquor has been made, without following the mandatory statutory requirements under the provisions of Cr.P.C.

Be that as it may, considering the petitioners' period of custody and submission that they do not have any criminal antecedent, this application is allowed.

Let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-cum-Special Judge Excise, East Champaran, Motihari in connection with Kesariya P.S. Case No. 94 of 2020.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.



(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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