

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22747 of 2020

Arising Out of PS. Case No.-443 Year-2019 Thana- CHAKIA District- East Champaran

Ram Vinay Sahani Son of Late Akindra Sahani Resident of Village - Bara
Baisaha (Baisaha), P.S. - Chakia, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
APP for the State.

Since the court proceeding in physical mode is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
03.03.2020 in a case registered for the offences punishable
under Sections 30(a)/30(d) of Bihar Prohibition and Excise Act,



2016, as amended by Act 8 of 2018, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self-statement of Mr. Nirmal Kumar, Inspector-cum-S.H.O., Chakia P.S. recorded on 28.12.2019 at 3.20 P.M., is to the effect that on the same day during raid when the police party arrived at embankment of Man river, from the field of Gagan Sahni fermented Mahua in huge quantity along with 3-4 litres of liquor were recovered. The Chaukidar suggested that the manufacturing unit belongs to co-accused Golu Sahni and Bablu Sahni. Thereafter, another manufacturing unit was raided from where, three drums of Mahua liquor and two litres of Indian Made Foreign Liquor were seized and the Chaukidar suggested that the manufacturing unit belongs to co-accused Kishore Kumar. Thereafter, on the land of Akhilesh Thakur one manufacturing unit was raided, from where, huge quantity fermented Mahua were recovered which was destroyed. Thereafter, another manufacturing unit was also raided from where, huge quantity of fermented Mahua, two drums and 30 containers were seized. The Chaukidar suggested that the manufacturing unit belongs to Ram Vinay Sahani, the petitioner and subsequently, raids were made at different places also



It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and only on the basis of the statement of Chaukidar, he has been roped in the present case and investigation has already been concluded. The petitioner is accused in one other case registered under Excise Act.

Learned APP for the State submits that the Chaukidar suggested that the manufacturing units belongs to the petitioner and others.

Considering the fact that the recovery has been made from the embankment of the river and investigation has already been concluded, 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), East Champaran at Motihari in connection with Chakia P.S. Case No. 443 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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), East Champaran at Motihari in connection with Chakia P.S. Case No. 443 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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