

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24608 of 2020**

Arising Out of PS. Case No.-42 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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BUDHAN SAHNI Son of Dukha Sahni Residence of Village- Kodvara, Ward
No. 14, p.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr Umesh Lal Verma, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-09-2020 As of now, the Courts have not resumed normal
physical hearing. The matter has been listed today for
consideration through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

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

The petitioner seeks bail in Complaint Case No C-
2/42 of 2020 dated 14.01.2020 instituted for the offence
punishable under Section 30 (a) of Excise and Prohibition Act.

Five persons started fleeing on seeing the Sashastra



Seema Bal Jawans who were patrolling. One person (petitioner) has been arrested. Other four succeeded in fleeing away after tossing the bag that they were carrying. 33 liters of Nepali Saufi wine has allegedly been recovered from the petitioner. From the other bags, 156 liters have been recovered.

The petitioner submits that he has no criminal antecedents. It is a case of false implication. Recovery was from Pillar No 333/34 and not from the possession of the petitioner. He is in custody since 14.01.2020 and that there is no compliance with the mandatory procedure for seizure.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Sitamarhi in Complaint Case No C-2/42 of 2020 dated 14.01.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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