

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22778 of 2020

Arising Out of PS. Case No.-99 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

Sanjay Sahani Son of Sukhari Sahani Resident of Village-Tikuliya Dhab Tola,
P.S.-Muffasil Motihari, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, 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



08.06.2020 in a case registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) 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 S.I., Manish Kumar, SHO, Muffasil P.S. East Champaran recorded on 14.03.2019 at 9.10 A.M., is to the effect that on the same day, a secret information was received that 3-4 persons have assembled and are indulged in trade of liquor, whereupon, a raid was laid and three persons were found travelling on two motorcycles and on seeing the police party, two of them fled away but one person was apprehended, who disclosed his name as Umesh Sahni, he further disclosed the name of persons who escaped from the scene as co-accused Sukhari Sahni and Sanjay Sahni, the petitioner. On search, 135 litres of country made liquor were seized along with two motorcycles.

It is submitted by learned counsel for the petitioner that neither the recovery has been made from conscious physical possession of the petitioner nor the petitioner was apprehended from the place of seizure. Statement has been made in paragraph 10 of the petitioner that the petitioner has no concern with the



liquor or the seized motorcycles. The investigation has already been concluded and further statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner escaped from the scene while liquor has been seized.

Considering the fact that the petitioner was not apprehended from the spot and apprehended co-accused Umesh Sahani has been granted bail by Co-ordinate bench of this Court vide order dated 27.05.2019 passed in Cr. Misc. No. 34518 of 2019 and investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 7th Additional Sessions Judge -cum- Special Judge, Excise, East Champaran, Motihari in connection with Mufassil P.S. Case No. 99 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 7th Additional Sessions Judge -cum- Special Judge, Excise, East Champaran, Motihari in connection with Mufassil P.S. Case No. 99 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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