

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23090 of 2020**

Arising Out of PS. Case No.-491 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

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Ramnaresh Sahani @ Naresh Sahani , aged about 50 years, Male, S/o Naga Sahani , R/o Village -Bairiya, P.S.-Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh , APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-09-2020 Heard Mr. Priyesh Kumar, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Sahebganj P.S. Case No. 491 of 2019 registered for the offence under Sections 272 / 273 / 414 of the I.P.C. and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story in brief is that Police got a secret information that in the village- Madhubani on a vacant land one container vehicle was standing and Naresh Sahni and Mukesh Sahni were standing with motorcycle near the said vehicle proceeded towards the place of occurrence. Upon seeing the Police party accused persons fled away taking advantage of



the darkness. Police recovered a total quantity of 525.810 liters of illicit foreign liquor from the said vehicle standing on the vacant land of one Raju Singh. The Police has claimed that the petitioner along with other accused persons brought the consignment for the purpose of trade of illicit foreign liquor.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case merely on the basis of secret information. Learned counsel further submits that petitioner was not arrested on the spot inasmuch as he was remanded in this case from Sahebganj P.S. Case No. 79 of 2020 registered under Sections 347, 353, 504, 506 of the I.P.C. read with Section 25 (1-b) of the Arms Act on 06.03.2020. Learned counsel further submits that from perusal of the First Information Report it would be evident that the illicit liquor has been recovered from a container vehicle standing on the vacant land of one Raju Singh and not from the vehicle or premises belonging to the petitioner. Learned counsel also submits that petitioner is in custody for more than six months.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the vehicle or premises belonging to the petitioner and the petitioner is in



custody for more than six months , I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise Act Muzaffarpur / concerned court in connection with Sahebganj P.S. Case No. 491 of 2019.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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