

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25398 of 2020

Arising Out of PS Case No.-109 Year-2020 Thana- SULTANGANJ District- Patna

Bablu Sahani, age 27 years, Male, Son of Late Ramlakhan Sahani @ Lakhani Sahani, Resident of Ghagha Ghat, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Kumar, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 06-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Nityanand Kumar, learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Sultanganj PS Case No. 109 of 2020 dated 21.03.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that when the police had reached the place, he had dumped a plastic bag and



managed to flee away and from the bag 40 pouches of 200 ml. each of countrymade liquor totalling 8 litres was recovered and from confidential sources, the police came to know that it was the petitioner who had managed to run away.

5. Learned counsel for the petitioner submitted that the allegation is based purely on suspicion and he has no connection with the recovered articles. It was submitted that there being no independent witness itself shows that the seizure is not in accordance with law. Learned counsel submitted that in the FIR itself, it has been stated that from confidential sources, the police came to know the name of the petitioner but the source is not disclosed and most importantly, it is surprising that how such name was disclosed from confidential sources so quickly so as to be incorporated in the FIR itself and it could have been accepted that later on during investigation, it may have transpired, but the name finding place in the FIR itself shows that the police had framed the petitioner for oblique reason. Learned counsel submitted that though it has not been stated in the application, but the petitioner earns his livelihood by driving a *tempo*. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner was the person who was carrying the plastic bag in which countrymade



liquor has been found and that the police has its own confidential sources from which his name was known.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna, District-Patna in Sultanganj PS Case No. 109 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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