

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82752 of 2019

Arising Out of PS Case No.-298 Year-2019 Thana- BIRAUL District- Darbhanga

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Kundan Sahni, aged about 30 years, Sex-Male, Son of Ramdhari Sahni
Resident of Village - Afajala Tole Kheva @ Afajala Ansh, P.S.- Biraul,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore and
Ms. Rupa Kumari, Advocates
For the State : Ms. Asha Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-01-2020

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

2. The petitioner seeks bail in connection with Biraul PS
Case No. 298 of 2019 dated 17.11.2019 instituted under Section
30(a) of the Bihar Prohibition and Excise Act, 2016 as amended
by the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the allegation, 305.280 litres of illicit liquor
has been recovered from the open field of the petitioner.



4. Learned counsel for the petitioner submitted that the recovery has not been from his conscious possession and further that such recovery has been from the open field and, thus, it cannot be said that the petitioner had kept the illicit liquor. It was further submitted that the petitioner has no other criminal antecedent and is in custody since 24.11.2019.

5. Learned APP submitted that the recovery of illicit liquor has been from the field of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Darbhanga in Biraul P.S. Case No. 298 of 2019.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. 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 appear 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

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