

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 85806 of 2019**

Arising Out of PS. Case No.-101 Year-2019 Thana- ANGARGHAT District- Samastipur

BASANT KUMAR SAHANI Son of Late Basudev Sahani @ Late Vasudev Sahni Resident of Village- Pachhiyari Tola Tabhka, P.S.- Vibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Angarghat Police Station (for brevity, PS) Case No 101 of 2019 instituted for the offence punishable under Section (s) 30 (a) of Bihar Excise and Prohibition Act, 2016.

Since 02.11.2019, the petitioner is said to be in custody. Allegation is of recovery of 860.260 liters of Indian made foreign liquor from a pick up van. Learned counsel for the petitioner submits that the petitioner was bona fide driver discharging his professional duties and had no concern or knowledge about the contents of the van in question. Petitioner is also having no criminal antecedent. It is further submitted



that even as per the prosecution, the liquor does not belong to the petitioner and there is non-compliance of provisions of Section 100 of Criminal Procedure Code.

Considering the aforesaid, 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, Samastipur in connection with Angarghat PS Case No 101 of 2019 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.

(Madhuresh Prasad, J)

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