

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23664 of 2021**

Arising Out of PS. Case No.-519 Year-2020 Thana- DHAKA District- East Champaran

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KRISHNA SAHANI S/o- SURAJ SAHANI @ SURYA SAHANI Resident of
Village- Mahangua, P.S.- Kundwachainpur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Ms. Renuka Ratnakar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Renuka Ratnakar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Dhaka P.S. Case No. 519 of 2020 registered for

the offences punishable under Sections 414 and 34 of the Indian

Penal Code and Section 30(a) of the Bihar Prohibition and

Excise Act.

As per the prosecution story, on the basis of secret

information the informant along with police officials reached

Barewa, on seeing the police party three persons (including this

petitioner) standing near Bolero vehicle started fleeing away, but on chase they were apprehended. From the possession of the petitioner one mobile phone was recovered. On search 675 liters of illicit liquor were recovered from the Bolero vehicle and 270 liters were recovered from the field of one Safiullah.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, recovery of illicit liquor is from the Bolero vehicle and the field and not from the conscious possession of the petitioner, seizure list has not been signed by the independent witness and petitioner is in custody since 23.12.2020 having no criminal antecedent.

Ms. Renuka Ratnakar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner was apprehended along with co-accused who have already been granted bail in Cr. Misc. No. 22767 of 2021 and Cr. Misc. 22747 of 2021, the petitioner has otherwise no criminal antecedent, there is no recovery from his conscious possession and he is in custody in connection with this case since 23.12.2020, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/-

(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, East Champaran, Motihari in connection with Dhaka P.S. Case No. 519 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.