

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26039 of 2021

Arising Out of PS. Case No.-224 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

=====

Bhuar Sahani @ Angad Sahani @ Angad Chaudhary Son Of Late Shivilal
Sahani Resident Of Village - Majhariya, P.S. - Raghunathpur (O.P.), District -
East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. H.A. Khan

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the
defects, as pointed out by the office, within four weeks of resumption
of normal court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner seeks bail in connection with Excise Case No.
224 of 2020 registered for the offence punishable under Section 30
(a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious physical
possession of the petitioner rather 10 liters of country made liquor is
said to have been recovered and 800 liters of semi formed wine was



destroyed near bank of *Majhariya* river. He has no concern either with the seized liquor or the place of recovery or any trade of liquor and the petitioner was implicated in the present case on the basis of his criminal antecedents. He further submits that search, seizure and recovery has been made in utter violation of sub section 4 of Section 100 Cr.P.C.. Petitioner has four similar nature of offence against him as has been mentioned in para-3 of the present petition and has been languishing in custody since 08.01.2021.

Petitioner is agreed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor court in connection with Excise Case No. 224 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform



the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 20,000/- (Rupees Twenty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

