

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16523 of 2020

Arising Out of PS. Case No.-25 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Dhurendra Sahani @ Dhuran Sahani aged about 46 years (M), Son of Ramayan Sahani, Resident of Village- Muradpur, P.S.- Harsidhi, Distt- Motihari, East Champaran.
 2. Mainudin Mian aged about 50 years (M), Son of Late Tabarak Mian, Resident of Village- Sariswa, P.S.- Harsidhi, Distt- Motihari, East Chmparan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-10-2021 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing of behalf of the State.

Learned counsel for the petitioners informs this Court that during the pendency of this petition, petitioner no. 2, namely, Mainudin Mian died and hence he has made a request to delete his name from the petition. As such application with respect to petitioner no. 2 has now become infructuous.

Learned counsel for the petitioner is permitted to delete the name of the petitioner no. 2, namely, Mainudin Mian in course of the day.

Petitioner no. 1, namely, Dhurendra Sahani has filed the present petition for grant of anticipatory bail in connection with Excise Case No. 25 of 2015 for the alleged offence under



Section 47 (a) of Bihar Excise Act, 1915 as amended by Act 3 of 2016.

Allegation made against the petitioner is that there is no conscious recovery from the possession of the petitioner rather 4 dram spirit each containing 200 litres total 800 litre has been recovered concealed in the soil of the field.

Learned counsel for the petitioner no. 1 submits that his antecedent is clean, hence, there is no impediment in grant of anticipatory bail to the petitioner no. 1.

Learned APP appearing on behalf of the State, vehemently opposed the prayer for grant of anticipatory bail to the petitioner no.1. He further submits that 800 litres of spirit has been recovered and if the petitioner agrees to deposit some fine to show his good gesture to this the petitioner no. 1 has agreed to deposit a sum of Rs. 25000/- (Twenty Five Thousand) in the Chief Minister Relief Fund, Bihar, bearing Account No. 2065104000002257, IFSC IBKL 0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Considering the facts and circumstances of the case, let the petitioner no. 1, namely, Dhurendra Sahani be released on bail, in the event of his arrest or surrender before the Court below within four weeks from today, on furnishing bail bond of



Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional Sessions Judge, East Champaran, Motihari in connection with Excise Case No.25 of 2015, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Purnendu Singh, J)

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