

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35545 of 2020

Arising Out of PS Case No.-230 Year-2020 Thana- SUGAULI District- East Champaran

Ganesh Sahani, aged about 35 years, Male, son of Mukhtar Sahani, resident of
Village- Mehwa, PS- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the State : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-06-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Rashmi Jha, learned counsel for the petitioner and Ms. Rita Verma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Sugauli PS Case No. 230 of 2020 dated 17.04.2020, instituted under Sections 414 of the Indian Penal Code and 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016.

4. The petitioner is accused, along with many others, in an incident in which the police having raided an area had found large quantity of countrymade liquor and also raw material for manufacture of the same which was destroyed and specifically against the petitioner is that when they were looking around in the



area, one motorcycle was recovered from outside the house of the petitioner of which papers were not be shown.

5. Learned counsel for the petitioner submitted that as per the FIR itself, there is no allegation with regard to the petitioner having any connection with the countrymade liquor or manufacturing equipment which was either seized or destroyed by the police and only reference of the petitioner is that from in front of his house, a motorcycle was recovered for which no papers were produced. Learned counsel submitted that the motorcycle is duly registered in the name of the petitioner, in support of which, learned counsel drew the attention of the Court to Annexure-2, which is copy of the registration certificate. It was submitted that the petitioner has no connection with any illegal activity, much less in the business of liquor. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that no paper/documents with regard to the motorcycle which was seized in front of the house of the petitioner was shown and rightly he has been made an accused. However, she could not reply to the contention of learned counsel for the petitioner that there is a genuine registration certificate of the said motorcycle in favour of the petitioner.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge cum Special Judge, Excise, Motihari, East Champaran in Sugauli PS Case No. 230 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. 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 being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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