

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3829 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- SARAIYA District- Muzaffarpur

LALBABU SAHANI Son of Lakhindra Sahani Resident of Village -
Madhaul, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-07-2021 Heard Mr. Vijay Kumar Singh, learned Advocate
for the petitioner and Mr. Uma Shankar Prasad, learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Saraiya P.S. Case No. 259 of 2020 dated 27.04.2020 instituted for the offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

From a truck which was intercepted on secret information to the police, 4455.75 litres of liquor was recovered. The driver viz. Mithilesh Kumar who was arrested disclosed that the consignment of liquor was to be reached to the petitioner and three others.

Learned counsel for the petitioner has



submitted that his implication in this case is solely on the basis of the statement made by one of the arrested accused persons.

The petitioner does not have criminal antecedents.

It has further been submitted that the petitioner is in no way associated with the owner or the driver of the truck or has anything to do with the seized liquor. On these grounds, it has been urged, that the offence under Section Excise Act cannot be said to have been made out against the petitioner.

For the reasons aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 259 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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