

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40268 of 2020

Arising Out of PS. Case No.-18 Year-2017 Thana- PIYAR District- Muzaffarpur

MAHESH SAHANI Son of Kailash Sahani Resident of Village- Pilakhi, P.S.-
Sakra, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2021 Heard Mr. Vipin Kumar, learned counsel for the

petitioner and Mr. Choubey Jawahar, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Piyar P.S. Case No. 18 of 2017, registered for the offence
punishable under Sections 272, 273 of the Indian Penal
Code 1860, Sections 30(a), 35, 38 and 41 of Bihar
Prohibition and Excise Act.

The allegation as per the First Information Report
is that the Police intercepted a Motorcycle on which two
persons were riding and recovered a total quantity of 23.250
litres of illicit liquor from the said Motorcycle.

Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the Police with oblique motive. Learned counsel further submits that the petitioner is not named in the First Information Report and his name has transpired in the case during course of investigation when the original owner of the Motorcycle informed the Police that he had allegedly sold the Motorcycle in favour of the petitioner. Learned counsel also submits that there is no valid paper of transfer of Motorcycle in question in favour of the petitioner and the petitioner is in custody since 17.04.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is not named in the First Information Report and he is in custody since 19.03.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Piyaar P.S. Case



No. 18 of 2017.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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