

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40066 of 2020

Arising Out of PS. Case No.-433 Year-2019 Thana- SARAI District- Vaishali

RAMA SHANKAR SAHANI Son of Daroga Sahani Resident of Village -
Dumri, P.S.- Sarai, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kanchan Kumari

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 12-04-2021 Heard Ms. Kanchan Kumari, learned counsel for the
petitioner and Mr. Akshay Lal Pandit, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Sarai
P.S. Case No. 433 of 2020 registered for the offence under
Section 30 (a), 35 (a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

The allegation as per the First Information Report is
that Police on the basis of secret information proceeded towards
the place of occurrence and recovered 4455 liters of illicit liquor
from a truck. The driver and other persons surrounding the truck
started fleeing away upon which the driver of the truck was



caught by the Police and upon query the arrested driver of the truck revealed the name of the petitioner and other accused persons.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and has been made accused on the basis of disclosure of his name by the truck driver. Learned counsel further submits that petitioner is not the owner of the truck and no illicit liquor has been recovered from his conscious possession or the vehicle belonging to him. Learned counsel next submits that petitioner is in custody since 28.08.2020.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioner is not the owner of the truck and other similarly situated accused person i.e. the truck driver has been granted bail in Cr. Misc. No. 13192 of 2020 by a Co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge



2nd cum Special Excise Judge Vaishali at Hajipur in connection
with Sarai P.S. Case No. 433 of 2020.

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

(Anil Kumar Sinha, J)

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