

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2667 of 2021

Arising Out of PS. Case No.-320 Year-2020 Thana- KOTWA District- East Champaran

SHIV SAHANI, SON OF JAILAL SAHANI @ JAIRAM SAHANI Resident
of Village - Barharwa Khurd, P.S.- Dumariyaghat, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-03-2021 Heard Mr. Anil Chandra, learned counsel for the

petitioner and Mr. Choubey Jawahar, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Kotwa
P.S. Case No. 320 of 2020 registered for the offences punishable
under Sections 272, 273/34 of the Indian Penal Code 1860 and
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The allegation as per the First Information Report is
that the Police got secret information that some persons
including the petitioner have brought the consignment of illicit
spirit through a truck and the spirit was being unloaded in a
pick-up van from the truck in question, proceeded towards the
place of occurrence and upon seeing the Police party, the



accused persons including the petitioner fled away. Upon search, the Police recovered 7000 litres of spirit from the truck and the pick-up van.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive on the basis of information received by the Police from the spy. Learned counsel further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered either from his conscious possession or the vehicle belonging to him. Learned counsel next submits that the petitioner has not been arrested on the spot and he has surrendered subsequently before the court. The petitioner is in custody since 2.10.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that no illicit liquor has been recovered either from conscious possession of the petitioner or the vehicle belonging to him and the petitioner is in custody since 2.10.2020 as well as charge sheet has already been submitted in the matter, 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 Additional Sessions Judge 2nd cum Special Judge, Excise, East Champaran, Motihari, in connection with Kotwa P.S. Case No. 320 of 2020.

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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