

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5622 of 2021**

Arising Out of PS. Case No.-122 Year-2019 Thana- JADOPUR District- Gopalganj

BHOLA SAHANI @ BHOLA SAHNI Son Of Munni Sahani @ Muni Sahni
Resident Of Village - Naya Tola Bhatwa, P. S.- Yadavpur (Yadopur), District -
Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioner and Mr.
Nagendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Yadavpur (Yadopur) P.S. Case No. 122
of 2019 registered for the offences punishable under Section
414/34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excised Act.

Learned counsel for the petitioner submits that the
informant got secret information regarding unloading of liquor
from the boat. The informant reached there and saw that three
persons are involved in unloading the liquor from the boat and
two persons on the motorcycle loading the bag containing liquor
on the motorcycle. It is alleged that on seeing the police three



persons managed to escape on boat and two persons with motorcycle were apprehended. The informant seized 51.950 liters of illicit liquors from the bag and apprehended persons disclosed the name of the accused persons including this petitioner who managed to escape through boat. It is alleged that the chaukidar also identified the persons on the boat.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of this petitioner has transpired on the basis of the identification by the local chaukidar and on the basis of the disclosure made by the apprehended person, however, the illicit liquor has been recovered from the possession of the co-accused and not from this petitioner. The petitioner is in custody since 13.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has been made accused in this case on the basis of alleged identification by the local chaukidar and on the basis of the disclosure made by the apprehended person,



the liquor has, however, been recovered from the possession of co-accused and not from the possession of this petitioner, the petitioner has remained in jail in connection with the present case since 13.10.2020, he has otherwise no criminal antecedent, investigation against him is complete and his further incarceration is not likely to come in aid of the investigation or the prosecution, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj, in connection with Yadavpur (Yadopur) P.S. Case No. 122 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

