

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7180 of 2021**

Arising Out of PS. Case No.-186 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Nawal Sahani @ Nawal Kishor Sahani Son of Ramnandan Sahani Resident of
Village - Sadhanpura, P.S.- Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-04-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kathaiya P.S. Case No. 186 of 2019
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case in brief is that on 18.11.2019 at
about 6.15 hours the S.I.-cum-SHO, Kathaiya police station on
receiving a secret information regarding storage of illicit liquor



reached near the middle school of Sadhanpura (Yamuna Tola) and saw that some persons are fleeing away towards Chawar from the bush of the backside of the school. It is further alleged that on seeing the police party nearby people assembled there and in presence of two independent witnesses the nearby areas of the middle school was searched and a total 117 liters of illicit liquor was recovered and a seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that 117 liters of illicit liquor were recovered from an open field and not from the conscious possession of the petitioner. It is submitted that the petitioner has got no criminal antecedent and in connection with the present case he has remained in jail since 18.10.2020.

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 117 liters of illicit liquor were recovered from an open field and not from the conscious possession of the petitioner, the petitioner has got no criminal antecedent, in connection with the present case the petitioner has remained in



jail since 18.10.2020 and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Kathaiya P.S. Case No. 186 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'.

