

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8203 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- ARARIA District- Araria

Ramashish Sahani Son Of Late Faguni Sahani R/O Mohalla- Sardar Tola
Gulabbagh, P.S.-Purnea Sadar, District- Purnea. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 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 Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Araria (Bairgachhi) P.S. Case No. 54 of 2020 registered for the offences punishable under Sections 30(a), 38 of the Bihar Prohibition and Excise Act, 2016. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was involved in vehicle checking, he intercepted one Pickup van bearing registration No. UP77N-6351 and from that vehicle two persons were apprehended who disclosed their name as Sanjay Kumar and Jitendra Sahni. The informant recovered 803.250 liters of illicit liquor from the



said pick up and the apprehended persons disclosed that the liquor belongs to one Kundan Sahni and Ramashsish Sahni the petitioner is the owner of the vehicle who purchased the same from a person of Uttar Pradesh but did not get the ownership of the vehicle transferred.

Learned counsel for the petitioner submits that the petitioner was not found present in vehicle from which the illicit liquors have been seized and the name of the petitioner has been allegedly taken by the co-accused Sanjay Kumar and Jitendra Sahni who were arrested from the pickup van. The apprehended persons disclosed that the petitioner is the owner of the vehicle but he is not the registered owner.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the submissions that the petitioner was not found present in vehicle from which the illicit liquors have been seized, the name of the petitioner has been allegedly taken by the co-accused Sanjay Kumar and Jitendra Sahni who were arrested from the pickup van saying that this petitioner had purchased the seized vehicle which has yet not been transferred in his name and that he was engaged in the business of liquor, the submission being that such statements have been allegedly extracted by police in custody and there is no independent material



noticed in the order of the learned 2nd Additional Sessions court-cum-Special court, Araria so as to connect this petitioner in the present case, the petitioner has otherwise no criminal antecedent, this Court, therefore, directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 54 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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'.

