

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9850 of 2022

Arising Out of PS. Case No.-838 Year-2021 Thana- KUDHNI District- Muzaffarpur

Kapal Sahani, Son of Late Yogendra Sahani, Resident of Village - Kharauna
Dih, P.s.- Kudhani (Turki O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kudhani (Turki O.P.) P.S. Case No. 838 of 2021 registered for the alleged offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that while conducting raid at different places, the house of co-accused Nagendra Sahani and Rajan Sahani was also searched and about 20 litres of country made liquor along with some equipments for manufacturing the illicit liquor were also seized. The co-accused persons disclosed



the name of this petitioner as being one of their accomplices in the business of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case merely on the basis of confessional statement of co-accused persons. He was not arrested from the spot, the petitioner has never been involved in manufacturing of country made liquor. The charge-sheet has been submitted in this case and the petitioner is in custody since 26.12.2021 and is having no criminal antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that nothing has been recovered from this petitioner and the name of the petitioner came up in the statement of co-accused before the police and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No.-II, Muzaffarpur in connection with Kudhani (Turki) O.P.



P.S. Case No. 838 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

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(Arun Kumar Jha, J)

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