

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17973 of 2022

Arising Out of PS. Case No.-70 Year-2020 Thana- PURNAHYA District- Sheohar

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Biswanath Sahani @ Viswanath Sahni, Son of Baleshwar Sahani, Resident of
village - Dewapur, P.S.- Pachpakri (Patahi), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Purnahya P.S. Case No. 70 of 2020 registered
for the alleged offences under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2018.

The prosecution case is that police received secret
information about petitioner and other co-accused persons
bringing illicit liquor from Nepal and the said place was raided
and about 468 litres of Nepali country made liquor was
recovered from the bushes on the bank of the river Bagmati. The



petitioner and co-accused persons fled away from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has neither been apprehended from the spot nor anything incriminating has been recovered from his possession. He has been made an accused in this case due to his criminal antecedent. The charge-sheet has been submitted in this case and the petitioner is in custody since 19.01.2022.

Learned APP opposes the prayer for bail submitting that huge quantity of illicit liquor was recovered and the petitioner is involved in illicit trade of liquor.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted in the case and further considering the period of his 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 2nd Additional District and Sessions Judge-cum-Special Judge Excise Act, Sheohar in connection with Purnahya P.S. Case No. 70 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already



framed.

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

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

(iv) The petitioner will not indulge in similar type of offences in future.

(v) 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.

(Arun Kumar Jha, J)

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