

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25586 of 2022

Arising Out of PS. Case No.-453 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

UPENDRA SAHANI Son of Late Bilash Sahani Resident of village - Chhit
Bhagwatipur Ward No.- 13, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Muzaffarpur Excise Case No. 453 of 2021 arising out of P.R.

No. 23 registered under Sections 30 (a), 32 (3) of the Bihar

Prohibition and Excise Act.

The prosecution case, in short, is that the police on

secret information raided the place. On search, the 34.920 liters

of illicit liquor was recovered from the house of co-accused

Vicky Sah and the petitioner has been arrested at the spot but



Vicky Sah fled away from the place of occurrence. Accordingly, the seizure list was prepared.

Mrs. Bela Singh, learned counsel for the petitioner submits that the recovery/seizure of 34.920 liters of foreign liquor can be attributed to the house of Viky Sah, he was merely visiting the said place and it was unfortunate that the raid was conducted at the very time and he found himself in police custody despite the fact that he has no criminal antecedent. She further submits that the petitioner is in custody since 16.12.2021 (as stated in paragraph-13 of the bail application).

Taking into account the fact that the recovery/seizure has been alleged to be from the house of Viky Sah and the petitioner has no criminal antecedent as also the fact that the charge sheet stands submitted and he is in custody since 16.11.2021, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Exclusive Special Judge, Excise Court No. II, Muzaffarpur in connection with Muzaffarpur Excise Case No. 453 of 2021 arising out of P.R. No. 23, subject to the following conditions.



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

