

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26684 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- KATEYA District- Gopalganj

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Budhan Sahani, Son of Byas Sahani, Resident of Village - Kalayanpur, P.s.-
Bhorey, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Bhakta, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 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 Kateya P.S. Case No. 64 of 2022 registered for the alleged offences under Sections 414 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that during checking, the vehicle, in which the petitioner along with co-accused persons were sitting, was intercepted and from this vehicle, 396.800 liters of country made liquor was recovered. From another



vehicle, 42 liters of India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was apprehended in this case merely on suspicion as the driver of the vehicle ran away and this petitioner, who was passing from there, was apprehended. Nothing has been recovered from the possession of the petitioner, who is neither the owner nor the driver of the seized vehicle in which it has been alleged that the petitioner was sitting. Moreover, the petitioner has nothing to do with the seized liquor and it does not belong to him. Even otherwise no incriminating article has been recovered from the possession of the petitioner. Charge-sheet has been submitted in this case and the petitioner is in custody since 14.02.2022. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that a large quantity of illicit liquor has been recovered from the vehicle from which the petitioner was apprehended.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of charge-sheet as well as 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 Additional Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj, in connection with Kateya P.S. Case No.64 of 2022, 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 on 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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