

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27079 of 2022**

Arising Out of PS. Case No.-59 Year-2022 Thana- KUDHNI District- Muzaffarpur

Lal Babu Sahni Son Of Chanar Deo Sahni R/O- Vill- Harpur Balra, Ward
No.-03, P.S.- Maniyari, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Kudhani P.S. Case No.59/2022 instituted under Section
30(a) of the Bihar Prohibition & Excise Act, 2018.

As per the FIR, informant Prakash Kumar A.S.I.
Kudhani P.S has alleged that on 30.01.2022 at about 17.30 hrs
got secret information that Lal Babu Sahni has kept hidden
illicit desi Chulai liquor in hut at Harpur Balara near bridge of
river of Noon. Over which he along with police force reached at
the place of occurrence. Seeing the police force, one person
started to flee away. He was chased and arrested. On
query, arrested person disclosed his name as Lal Babu Sahni .



On search, total 50 liters of illicit desi Chulai liquor was recovered from place of occurrence. Accordingly seizure list was prepared.

Learned counsel for the petitioner submits that the recovery has been made from the bush near the bridge and not from the petitioner. He further submits that he has no criminal antecedent and is in jail since 31.03.2022 (as stated in para- 11 of the bail application).

Considering the fact that the 50 liters 'Deshi Chulai' alleged to have been recovered/seized from the bushes near a bridge, which is a common place, the petition has no criminal antecedent and is in jail since 31.03.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kudhani P.S. Case No.59/2022 to the satisfaction of learned Special Judge (Excise) Court No.II, Muzaffarpur, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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