

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39386 of 2021

Arising Out of PS. Case No.-158 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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SHYAM BABU SAHNI @ SHYAM BABU SAHANI S/o Late Hari Sahni @
Late Hari Sahani R/o Village- Murhachhatauna, Ward No-6, Murachathauna
@ Murachathona, P.S.- Kanhauli (Wrongly stated in seizure list and Detention
memo P.S. Majorganj), Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-01-2022 Heard Alok Kumar Alok, learned counsel for the

petitioner and Mr. Nitya Nand Tiwary, Additional Public Prosecutor

for the State through video conferencing.

Petitioner seeks regular bail in connection with C2 Case
No. 158/2021 registered for the offence punishable under Sections
30(a) of Bihar Prohibition & Excise Act 2016.

As per prosecution case, SSB Officials intercepted the
petitioner along with one another person and recovered total quantity
of 108 litres of Nepali Saunfi wine from their possession.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case with oblique
motive and he has not committed any offence in the manner alleged.

He next submits that at the time of seizure the procedure



prescribed under Excise Act as well as CrPC has not been adhered to, and petitioner has got no criminal antecedent and he is in custody since 24.03.2021. The charge-sheet has already been submitted in the matter.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 24.03.2021 having no criminal antecedent, charge-sheet has been submitted in the matter and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SHYAM BABU SAHNI @ SHYAM BABU SAHANI 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 Sessions Judge-cum-Special Judge, Excise, Sitamarhi in connection with C2 Case No. 158/2021.

(Anil Kumar Sinha, J)

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