

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42322 of 2021**

Arising Out of PS. Case No.-88 Year-2021 Thana- DHANAHHA District- West Champaran

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Vinay Sahani S/O Dinanath Sahani R/O Village- Salaha (Bariarwa), P.S.-
Chautrwa, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter

within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Priya Saran Singh, learned APP for the State.

Petitioner in the case is seeking regular bail in

connection with Dhanaha P.S. Case No. 88 of 2021 registered

for the offences punishable under Section 30(a) of the Bihar
Prohibition & Excise Act. He is in custody since 14.04.2021 and

has no criminal antecedent as stated in paragraph '3' of this
application.

Learned counsel for the petitioner submits that as per

the prosecution story, while the informant was involved in

checking the vehicle one Bolero vehicle came speedily which



was signaled to stop but the driver stopped the vehicle at some distance from the checking point and tried to escape but he was caught and on query he disclosed his name as Vinay Sahani (petitioner) and from the Bolero vehicle total 164.150 liters of illicit liquor was recovered. The informant prepared the seizure list and the apprehended accused disclosed that the recovered liquor belongs to Ashok Yadav.

Learned counsel submits that the petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case. It is further submitted that the petitioner is the driver of the vehicle and is working on remuneration and he has no knowledge about the liquor loaded on the vehicle. It is further submitted that investigation against the petitioner is complete and his appearance may be secured in course of trial.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the fact that the petitioner is the driver of the vehicle from which 165 liters approximately of illicit liquor has been recovered but the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 14.04.2021, investigation against him is



complete and his appearance may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran, Bettiah in connection with Dhanaha P.S. Case No. 88 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

