

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32783 of 2022

Arising Out of PS. Case No.-338 Year-2020 Thana- GAIGHAT District- Muzaffarpur

Jagan Sahani @ Jagarnath Sahani, S/o Lakhan Sahani R/o village- Bhushara
Malhtolli, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prem Kumar Paswan, Advocate Ms. Manju Sharma, Advocate
For the Opposite Party/s	:	Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Gaighat P.S. Case No. 338 of 2020 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a), and 56(b) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the recovery of 5 liters of country made liquor was made from the house of the petitioner when a raid was conducted on information that the petitioner



and his brother were preparing and selling the country made liquor. 80 liters of raw material was destroyed. The petitioner and his brother fled away from the spot during the police raid.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is having clean antecedent and charge sheet has been submitted in this case. The petitioner is in custody since 23.03.2022. Co-accused Bhola Sahani has been granted bail vide order dated 18.08.2021 passed in Cr. Misc. No. 19374 of 2021.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and considering the quantity of liquor received and the period of custody of the petitioner with his clean antecedent, 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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Gaighat P.S. Case No. 338 of 2020, subject to the conditions mentioned



in Section 437(3) of the Code of Criminal Procedure and also
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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