

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43246 of 2021

Arising Out of PS. Case No.-164 Year-2021 Thana- BASOPATTI District- Madhubani

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FEKAN SAHANI S/O DUKHI SAHANI R/O VILLAGE-KHAUNA, P.S.-
BASOPATTI, DISTRICT-MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Basopatti P.S. Case No. 164/2021, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.



The allegation is regarding recovery of 315 liters of illicit Nepali country made liquor from half constructed house of the co-accused person, namely, Khonma Sahni and the petitioner was also arrested from the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 27.6.2021. The learned counsel for the petitioner has further submitted that neither the house from where the illicit liquor has been recovered belongs to the petitioner nor the illicit liquor has been recovered from the conscious possession of the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact



that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Basopatti P.S.Case No. 164 of 2021 (G.R.No. 1094 of 2021).

(Mohit Kumar Shah, J)

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