

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37830 of 2022

Arising Out of PS. Case No.-204 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Golu Sahni, S/o Mahendra Sahani, Resident of village- Kaniya Inar, P.S.-
Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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. 204 of 2022 registered for the alleged offences under Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information about assembly of some liquor trader at an identified place and a raid was conducted and three persons who were standing there with parking a four wheeler and a two wheeler, started fleeing away on seeing the police. Two of them



were apprehended and one of the apprehended persons is the petitioner. On search of the vehicles total 84.570 litres of India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and he has no concern with the allegedly recovered illicit liquor. He is neither the owner nor the driver of the said vehicles. He was merely a passerby and due to commotion and pandemonium he was apprehended under suspicion. Otherwise, no recovery has been made from the conscious possession of the petitioner. The petitioner is in custody since 03.05.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet along with his period of custody, 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.-I, Muzaffarpur, in connection with Gaighat P.S. Case No. 204 of 2022, 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 the deponent, who has sworn the affidavit.

(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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