

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50077 of 2021

Arising Out of PS. Case No.-16 Year-2019 Thana- MAIRWAN District- Siwan

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DHANANJAY SAHANI Son of Ram Naresh Sahani Resident of Village-
Khairate, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-03-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mairwan P.S. Case No. 16 of 2019 for the offence registered
under Sections 272, 273, 308/34 of the Indian Penal Code and
Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of 4557.600 litres
of illicit liquor from a truck and the petitioner was arrested
while he was sitting in the said truck.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 28.06.2021. The learned counsel for the



petitioner has further submitted by referring to paragraph no. 6 of the present petition that neither any recovery of illicit liquor has been made from the conscious possession of the petitioner nor the truck in question belongs to the petitioner. It is also submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 28.06.2019 passed in Criminal Misc. No. 39765 of 2019.

Per contra, the learned counsel 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 parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a coordinate Bench of this Court apart from the fact that the petitioner has categorically stated in the present petition that he is not the owner of the truck in question and is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Session Judge-II-
cum-Special Judge, Siwan in connection with Mairwa P.S. Case
No. 16 of 2019.

(Mohit Kumar Shah, J)

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