

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59220 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- PHULWARIYA District- Gopalganj

UPENDRA SAHANI Son of Inar Sahni Resident of Village - Gidha Mahali
Tola, P.S. Phulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-05-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 78/21 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

76 litres of liquor belonging to the petitioner was
recovered from beneath a tree which was found to have been
covered with straw.

The learned counsel for the petitioner has submitted
that the recovery is from an open place and, therefore, without
any other evidence, such recovery cannot be saddled upon him.

In any view of the matter, looking at the period of
custody of the petitioner, which is from 28.06.2021 and the



nature of offence, he is directed to be released 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 District & Sessions Judge -II-cum-Special Judge, (Excise), Gopalganj, in connection with Phulwariya P.S. Case No. 78/21.

While saying so, the Court has taken notice of the fact that petitioner earlier was made accused in two cases of similar nature but in both the cases, he has been granted bail.

(Ashutosh Kumar, J)

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