

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58240 of 2021

Arising Out of PS. Case No.-3 Year-2020 Thana- JADOPUR District- Gopalganj

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BIDAL SAHANI @ VIDAL SAHNI Son of Ramanand Sahani Resident of
Village- Jadopur, Balua Total, Police Station- Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 19-05-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 19.07.2021, seeks
regular bail in connection with Yadavpur (Yadopur) P.S. Case
No. 03 of 2020 registered for offences punishable under
Sections 188, 353, 307, 506/34 of the Indian Penal Code,
Section 27 of the Arms Act and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

Allegation made in the FIR is that altogether 519.08
litres of foreign liquor and country-made liquors were recovered
from the boat detained by the police officers near *Gandak* river
in Gopalganj district.



Learned counsel appearing on behalf of the petitioner submits that petitioner was one of the passengers on the said boat. The alleged recovery admittedly has been made from the boat. Petitioner is nowhere concerned with the liquor which has been recovered from the said boat. Petitioner was not apprehended on the spot. Name of the petitioner has surfaced on the basis of confessional statement of one co-accused Umesh Yadav, who has already been granted bail vide order dated 13.05.2020 passed in Cr. Misc. No. 11273 of 2020.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the fact that petitioner has been made accused in the present case on the basis of confessional statement of co-accused Umesh Yadav, who has already been granted bail, no recovery has been made from the possession of the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II- cum- Special Judge, Excise, Gopalganj in connection with Yadavpur (Yadopur) P.S. Case No. 03 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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