

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60959 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

SURESH SAHANI Son of Asarfi Sahani Resident of Village - Harser, P.s.-
Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Ms.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Siwaipatti Police Station Case No. 38 of 2021 registered for the
offences punishable under Sections 30, 30(a), 36, 41 and 41(1)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that 02 litres of illicit country made liquor, along with
the raw materials used for preparation of country-made liquor,
has allegedly been recovered from the house of co-accused
Aman Kumar, son of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case with oblique



motive. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner and at the time of search, he was not present in his house. He further submits that similarly situated co-accused, Aman Kumar, who is the son of the petitioner, has been granted bail by this Court, vide order, dated 07.01.2022, passed in Criminal Misc. No. 37663 of 2021. He further submits that the petitioner is in custody since 08.08.2021, having no criminal antecedent and charge sheet has already been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent, he is in custody since 25.3.2021, charge sheet has already been submitted and the trial is not likely to be concluded in near future due to pandemic. I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Muzaffarpur, in
connection with Siwaipatti Police Station Case No. 38 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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