

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63374 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- SAHIYARA District- Sitamarhi

MANOJ SAHNI Son of Ram Ekaval Sahani Resident of Village - Laxmipur,
Police Station - Sahiyara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sahiyara P.S. Case No. 36 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having received secret information that the accused persons had stored a consignment of illicit liquor at village Laxmipur Hanumannagar under a bridge for the purposes of selling the same whereafter the police force had conducted a raid



at the said place of occurrence, however, the accused persons including the petitioner herein, whose names were disclosed subsequently by the villagers, had managed to flee away. Upon search, 84 liters of Nepali saufi wine was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 7.9.2021. The learned counsel for the petitioner has further submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner has been arrested from the spot and he has been falsely implicated in the present case merely on suspicion.

Per contra, the learned APP 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 fact



that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner has been apprehended from the spot, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 ADJ II cum Special Judge, Excise Act, Sitamarhi in connection with Sahiyara P.S. Case No. 36 of 2021.

(Mohit Kumar Shah, J)

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