

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40180 of 2023

Arising Out of PS. Case No.-319 Year-2020 Thana- ALAMGANJ District- Patna

DEEPAK SAHANI SON OF ASHOK SAHANI ALA BUX PORE ALFA
BAD PS ALAMGANJ DIST PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Alamganj P.S. Case No. 319 of 2020 for the offence under Section 30(a) of Bihar (Prohibition) Excise Act, 2016 lodged on 06.06.2020 by the informant, Sadanand Paswan.

The prosecution case, in brief, is that on 06.06.2020, the informant Sadanand Paswan was on patrolling and reached at Danka Imali, Gur Ki Mandi, intercepted two accused persons coming on a 'Apachy' motorcycle, who fled away leaving the said motor cycle at the road side. It has been further alleged that the identity of the fleeing accused persons are Deepak Sahnai (Petitioner) and Deo Raj Sahani which was ascertained by the passerby. It is said that total 100 liter 'Mahua' wine is recovered from the bag kept on the said motor cycle which was seized under the seizure-list along with the said 'Apachy' motorcycle



bearing Registration No. BR-01DX-5957. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioner that there is recovery of 100 liter '*Mahua*' wine from a bag that was hanged on a motorcycle and he had nothing to do with it, as the same was parked, but due to the ownership, he has been implicated. The further submission is that other co-accused Devraj Sahani has since been granted bail vide order dated 08.12.2020 passed in Cr. Misc. No. 39356 of 2020 (Devraj Sahni Vs. The State of Bihar)

Learned APP opposes the prayer stating that he has criminal antecedent of the same nature.

Taking into account the aforesaid fact that he is in custody since 20.04.2023 as also that one of the co-accused has since been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court, Excise Act, Patna City, in connection with Alamganj P.S. Case No. 319 of 2020 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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