

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48021 of 2023

Arising Out of PS. Case No.-639 Year-2020 Thana- SUGAULI District- East Champaran

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Vinay Sahni S/O Jailal Sahani R/O Village- Mehwa P.S. Sugauli, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Dhannjay Kumar No 2, learned counsel
for the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Sugauli P.S. Case No.639 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret informant with regard to the manufacturing of illicit wine raided the Mango Orchard, however on noticing the police party all the accused persons succeeded in fleeing away. On search total 60 liters country made illicit wine was recovered. The village Chawkidar and local people disclosed the name of the petitioner and others.

4. Learned counsel appearing on behalf of the



petitioner submits that save and except the disclosure made by the village Chawkidar and local people, there is not material suggesting the complicity of the petitioner. Admittedly, the alleged recovery has been made from the Mango Orchard which does not belong to the petitioner and furthermore the petitioner has no concern with the recovered illicit wine. He next submits that there are other infirmities in the search and seizure, apart from the fact that the petitioner is a man of fair antecedent.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open field and the petitioner has neither any concern with the place from where the recovery has been made nor with the illicit wine, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No.1, East Champaran at Motihari, in connection with Sugauli P.S. Case No.639 of 2020, subject to the condition as laid down under



Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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