

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60784 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- TURKAULIYA District- East Champaran

BHOLA SAHANI SON OF SRI BHAGWAN SAHANI Resident of Village-
Jhakhiya, P.S.- Banjariya, O.P.- (Turkauliya), District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2023 Defects, as pointed out by the office, are
ignored.

Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in
connection with Turkauliya (Banjariya) P.S. Case
No. 12 of 2022, registered for the offence
punishable under Sections 30(a), 32(i)(ii)41(i) of
the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding search being
made in a field situated near the river, whereupon
90 liters of country made liquor and 1600 liters of
unprepared liquor were recovered, whereafter the



co-villagers had disclosed that the persons, who had fled away from the spot, are the petitioner and one another person, namely, Shivnath Sahni.

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 26.7.2022. The learned counsel for the petitioner has further submitted that only since the petitioner is an accused in three other cases of similar nature, his name has falsely been implicated in the present case.

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 no illicit liquor / country made liquor has been recovered from the conscious possession of the petitioner and the petitioner has not been



arrested 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 Special Judge, Exclusive Special Excise Court No. 1, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 12 of 2022.

It is needless to state that in case, the petitioner is implicated in similar type of case, henceforth, the present privilege of bail, being granted to the petitioner, shall stand cancelled, forthwith and he shall be taken into custody, immediately.

(Mohit Kumar Shah, J)

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