

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14346 of 2018

Arising Out of PS.Case No. -50 Year- 2017 Thana -ARER District- MADHUBANI

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1. Manoj Sahni Son of Moti Sahni Resident of Village- Dhan Ga East, P.S.
Arer, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.12.2017 in connection with Arer P.S. Case No. 50 of 2017,
G.R. No. 394 of 2017 for offences punishable under Sections 272,
273 of the Indian Penal Code and 30 (a) of the Bihar Prohibition
of Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on information that the petitioner is selling
Nepali Saufi wine, the police reached the orchard of one Vijay
Thakur and all the people present fled away. On inquiry, some of
the villagers stated that the petitioner is engaged in selling of



Nepali Saufi wine and from the orchard 44 liters of Nepali Saufi wine was recovered hidden under dry leaves.

It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession, he was not even present at the place of occurrence and only on the basis of hearsay and just because he has one more case pending of similar nature, has been made accused. He under takes to co-operate in the investigation and not to tamper with the evidence or prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-Cum-Special Judge, Excise Act, Madhubani in connection with Arer P.S. Case No. 50 of 2017, G.R. No. 394 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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