

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16041 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. MUNISH KUMAR S/o Babulal Sahni, Resident of Village- Jagdishpur, P.S-
Jadishpur, District- West Champaran.
 2. Saroj Sahni, S/o Sahdeo Sahni, Resident of village-Jagdishpur (Naya Tola),
P.S-Jadishpur, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Pushpa Sinha. 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in
connection with Excise Case No. 45 of 2019 registered for the
offence punishable under Sections 30(a) of the Bihar Prohibition
& Excise Act.

Informant is the police officer has alleged that on
16.01.2019 after receipt of confidential information that from a
tanker after after breaking open its seal spirit is being taken out
and four persons as named in the FIR were apprehended and 35
litres of spirit was kept in two gallons (Total 70 litres) were
recovered.



It has been submitted on behalf of the petitioners that petitioners are innocent and have been falsely implicated in this case and the main accused is the owner of Dharmkata and driver of the tanker has confessed their guilt. Petitioner No. 1 has no criminal antecedent and he is in custody since 17.01.2019

Considering the aforesaid facts and circumstances of the case, let the petitioner No.1 named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIIth-cum-Special Judge, Excise, Bettiah, East Champaran, in connection with Excise Case No. 45 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on



bail the trial court shall take steps to cancel his bail bond.

Since petitioner No. 2 is also implicated earlier in case of similar nature, as such, I am not inclined to grant bail to the petitioner. Accordingly the prayer for bail is rejected at this stage.

However, after six months of custody the petitioner would be enlarge on bail by the court below itself on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIIth-cum-Special Judge, Excise, Bettiah, East Champaran, in connection with Excise Case No. 45 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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