

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78011 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- RAJNAGAR District- Madhubani

Dilip Sahni S/o Somai Sahni , R/o Kasiyauna, P.S.- Rajnagar, District-Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Smt Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 30-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Rajnagar P.S. Case No. 34 of 2018** registered for the offence punishable under Sections 272, 273 and 414 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 84 litre of illicit liquor on the motorcycle which was apprehended by the police and one accused managed to escape, however, another was apprehended and he disclosed the name of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and was not present at the spot and has been wrongly implicated in this case on confession. Petitioner is also accused in similar nature of offence and is in custody since 20.09.2018.

Considering the aforesaid facts and circumstances of



the case and the fact that the petitioner is accused in similar nature of offence, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that petitioner named above be released on bail **after completing six months of jail custody by the court below**, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise Act, Madhubani**, in connection with **Rajnagar P.S. Case No. 34 of 2018** , with following conditions:-

(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 properly 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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