

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9691 of 2020**

Arising Out of PS. Case No.-441 Year-2019 Thana- TAJPUR District- Samastipur

VISHUN DAYAL SAHNI @ VISHUNU DAYAL SAHANI Son of Late
Binda Sahani Resident of Village - Chaksikandar, P.S- Tajpur, Distt -
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7,Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 11-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court
proceeding.

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

The petitioner in the present case is seeking anticipatory
bail in connection with Tajpur P.S. Case No. 441 of 2019
registered for the offence punishable under Section 30(a) of Bihar
Prohibition & Excise Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that the alleged recovery of
illicit liquor is said to have been made from a roof house and the
name of the petitioner has been disclosed by the co-villagers. It



is submitted that the petitioner is a poor person and resides in a hut and the petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein, it is alleged that the illicit liquor was recovered from a roof house which belong to this petitioner and the co-villagers had disclosed the name of the petitioner as the person who fled away but there is specific statement in paragraph '11' of the application that petitioner is a poor person resides in a hut and as such there is no question of any recovery from brick constructed house allegedly belonging to the petitioner and further submission that petitioner has no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Tajpur P.S. Case No. 441 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, (Excise), Samastipur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

