

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19194 of 2020

Arising Out of PS Case No.-317 Year-2019 Thana- MANIYARI District- Muzaffarpur

Sitaram Sahni, aged about 42 years, Male, Son of Raj Vanshi Sahni, Resident of Village- Mahanth Maniyari, Lakshmipur Tola, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Advocate
For the State	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Ms. Bela Singh, learned counsel for the petitioner and Mr. Ajit Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Maniyari PS Case No. 317 of 2019 dated 30.11.2019 instituted under Sections 272, 273, 290/34 of the Indian Penal Code and 30(c)(d), 34(a), 34(b) and 36 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he, along with three other persons, had fled away when police raided the



orchard of Batu Sahani and Mirza Devi from where 150 litres of mixture for preparing countrymade liquor has been recovered.

5. Learned counsel for the petitioner submitted that he has not been caught at the spot and only because of name taken by co-accused and on suspicion; he has also been falsely implicated in the present case. Learned counsel further submitted that there has been no recovery from him and he has no other criminal antecedent and is in custody since 14.02.2020. It was submitted that similarly situated co-accused Indrajeet Sahani @ Aloochap Sahani and Manphool Sahani have been granted bail on 03.06.2020 in Cr. Misc. No. 19282 of 2020. Learned counsel submitted that nobody was caught at the spot and it was the seizure list witnesses who are said to have disclosed the name of the petitioner and other co-accused.

6. Learned APP submitted that independent witnesses had informed the police with regard to the petitioner also being one of the four persons who had run away from the spot and, thus, he is also involved in the business of manufacturing illicit liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in Maniyari PS Case No. 317 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

AFR/NAFR	
U	
T	

