

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31855 of 2020**

Arising Out of PS Case No.-136 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Sobhan Sahni, aged about 24 years (Male), Son of Baidhnath Sahni, Resident of Village- Shekhpur Dhab, P.S.- Ahiyapur, District- Muzaffarpur- 842002.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
For the State	:	Mr. Kumar Virendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 23-12-2020

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

2. Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner and Mr. Kumar Virendra Narayan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Ahiyapur PS Case No. 136 of 2020 dated 05.02.2020, instituted under Sections 272, 273/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.



4. The allegation against the petitioner is that from his house 72 litres of foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that in the FIR itself, a detailed chain has been shown as to how the police finally landed up at the petitioner's house from one accused to the other leading to such recovery from the house of the petitioner. Learned counsel submitted that the petitioner having no other criminal antecedent is in custody since 13.06.2020.

6. Learned APP submitted that the recovery has been from the house of the petitioner which clearly indicates that he was also indulging in such illegal trade.

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, Muzaffarpur in Ahiyapur PS Case No. 136 of 2020 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.

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