

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12949 of 2021**

Arising Out of PS. Case No.-211 Year-2020 Thana- SUPPI District- Sitamarhi

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KUMAR SAHANI @ KUMAR SAHINI @ RAM KUMAR SAHINI @
RAM KUMAR SAHANI Son of Jagan Sahani R/O village - Ramnagara, P.S.
- Suppi, District - Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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

2 16-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Harendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Suppi P.S. Case No. 211 of 2020 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story on 23.8.2020 at 3.30 pm, the informant got secret information that the petitioner along with other co-accused persons had brought illicit wine from Nepal and had kept the same near bank of Bagmati River. On that information, the informant along with police



party reached there and on search recovered total 639 litres of Nepali Saufi Wine in bush near Bagmati River.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 13.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the recovery of 639 liters of illicit liquor is not from the possession of the petitioner rather it has been recovered from a bush in the village on the bank of Bagmati River and further submission that the petitioner has remained in jail in connection with this case since 13.10.2020 and prior to the present case he had no criminal antecedent, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, Sitamarhi in connection with Suppi P.S. Case No. 211 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

