

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1356 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- MADHWAPUR District- Madhubani

VINOD SAHNI Son of Chandan Sahni Resident of Village - Balba, P.S.-
Madhwapur, Distt.- Madhubani.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Shailendra Kumar Jha, Advocate
For the Respondent/s : Ms Usha Kumari I, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-04-2021

This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the appellant and the learned
Special PP for the State.

2 The appellant has preferred the present Appeal under
Section 14 A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*)
against the refusal of his prayer for regular bail vide order dated
21.12.2020 passed by Additional Sessions Judge II -cum- Special
Judge, Excise Act, Madhubani in a case registered under Sections
272, 273, 341, 342, 323, 353, 188, 379, 504, 506/34 of Indian
Penal Code, Sections 30 (a), 45 of Bihar Prohibition and Excise
(Amendment) Act, 2018 and Sections 3 (i) (x)/ 3 (2) (va) of SC/ST



Act in connection with Madhwapur Police Station (for brevity, *PS*)
Case No 150 of 2020 dated 14.12.2020.

3 Prosecution case alleges that 28.32 liters of liquor has been recovered from the appellant's bicycle. The local Chaukidar has allegedly seized the contraband substance and given intimation to the informant-Police Officer. Thereafter, the police rushed to the place of recovery where it was found that the appellant had summoned local villagers and altogether were abusing and threatening the police party which arrived there to free the appellant and other co-accused from whom there is also alleged recovery of liquor.

4 Appellant's counsel submits that having no criminal antecedent, the appellant is in custody since 15.12.2020 on the alleged recovery of 28.32 liters of liquor which is false. Implication of the appellant is on extraneous considerations.

5 Learned Special PP for the State has opposed the prayer for bail.

6 In my opinion, a case for grant of regular bail is made out. The impugned order dated 21.12.2020 requires interference by this Court, which is, accordingly, set aside.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 21.12.2020 passed by



Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in connection with Madhwapur PS Case No 150 of 2020 dated 14.12.2020 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in Madhwapur PS Case No 150 of 2020 dated 14.12.2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2021
Transmission Date	12.04.2021

