

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18092 of 2021**

Arising Out of PS. Case No.-30 Year-2019 Thana- MADHWAPUR District- Madhubani

VIRENDRA SAHNI Son of Shanibhar Sahni Resident of Village - Duarpatti
Pupri @ Dumharputti, Police Station - Pupri, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-10-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Madhawapur Police
Station (for brevity, PS) Case No 30 of 2019/GR No 913 of
2019 dated 15.05.2019 instituted for the offence punishable
under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

Petitioner's motorcycle was seized while co-accused
Dinesh Kumar was allegedly carrying 684 liters of Nepali
country made liquor.

It is submitted by the petitioner's counsel that upon



release of the vehicle in terms of order passed by this Court in CWJC No 20121 of 2019, when the petitioner went to secure release of his vehicle, he has been arrested and his implication, in the instant case, is in the aforesaid manner. He has no criminal antecedent and is in custody since 29.12.2020. Co-accused Dinesh Kumar has already been granted bail by this Court by order dated 01.07.2019 passed in Cr Misc No 39479 of 2019.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, 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, Madubani in connection with Madhawapur PS Case No 30 of 2019/GR No 913 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

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

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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