

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19455 of 2021**

Arising Out of PS. Case No.-35 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

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SURESH SAHNI S/O YOGENDRA SAHNI R/O VILLAGE- GANGTI, P.S.-
MINAPUR, DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kuchaikote P.S. Case No. 35 of 2021 registered for the offences punishable under Sections 120(B) and 420 of the Indian Penal Code and Section 30(a), 36 and 41(1) of the Bihar Prohibition and Amendment Excise Act, 2018.

As per the prosecution story, on 19.01.2021, the informant along with his police team was checking vehicles at NH-28 Balhi Check Post. In course of checking when an



ambulance was asked to stop two persons tried to flee away but were apprehended and from the said ambulance a total 483.780 litres illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of statement of co-accused. It is further submitted that this petitioner was not present in the ambulance from which the alleged recovery of liquor has been made. It is submitted that the co-accused have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 20214 of 2021. Learned counsel submits that the petitioner is in custody since 21.01.2021.

Learned A.P.P. 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 alleged illicit liquor has been recovered from the ambulance, however, this petitioner was not present in the said ambulance, the petitioner has otherwise no concern with the said vehicle, his name has transpired in the statement of the co-accused but save and accept that statement no other material has come against the petitioner, no incriminating article has been



recovered from his possession and the co-accused namely, Sandep and Sanjay have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 20214 of 2021, the petitioner has already remained in custody in connection with this case since 21.01.2021, prior to the present case he had no criminal antecedent but has been taken on remand in another case after his arrest in this case, in the circumstances this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 35 of 2021 subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

This application stands disposed of accordingly.

(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'.

