

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24086 of 2021**

Arising Out of PS. Case No.-964 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Surendra Sahni, Son of Rambriksha Sahni Resident Of Mohalla- Vijay
Chhapra, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., APP

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 24-11-2021 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No.964 of 2020, registered for the offence under
Sections 272, 273/34 IPC and 30(a)/36 of Bihar Prohibition &
Excise Act, 2016 as amended up-to-date.

Prosecution case in brief, is that total 3366.93 liters of
foreign liquor was recovered from different vehicles bearing
registration no.BR06GD8649, BR06GD7186, UP78BT2306,
BRO6B8481.

Learned counsel appearing on behalf of the petitioner
submits that he has no criminal antecedent and there is no
allegation of tampering of witness alleged against the petitioner.



Name of the petitioner has come in course of investigation and he is a care taker of one of the vehicle bearing registration no. BR06GD8649. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner had no knowledge regarding the alleged incident and his name has been roped by the owner of the vehicle in the present case and as such he be released on bail.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the above-mentioned facts and circumstances of the case, let the petitioner, above named, be released on bail subject to the condition that any of his close relative or his responsible person furnish Bank Draft of Rs.2,00,000/-(Rupees Two Lacs) in favour of Bihar State Legal Services Authority at Patna in court below, which shall be retained by the court below to see that the petitioner does not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No.964 of 2020, subject to the following conditions:-

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(IV) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the court below



finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

Prakash Narayan /-

U		T	
---	--	---	--

