

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23636 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- PIYAR District- Muzaffarpur

BHAGWAN LAL SAHNI Son of Jadu Sahni Resident of Village - Bandra,
P.S.- Piyar, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-01-2021 Heard learned counsel for the petitioner and Mr. Raj
Kishore Singh, learned APP for the State.

The petitioner in this case is seeking anticipatory bail in connection with Piyar P.S. Case No. 39 of 2020 registered for the offence punishable under Sections 272, 273, 120B of the Indian Penal Code and Sections 30(a), 33, 34 and 36 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the Police on getting secret information raided the house of the petitioner but one unknown person managed to escape and the Police from the Basnwari recovered 70 liters of raw spirit. The police recovered country made liquor from the house of other accused persons also.

Learned counsel for the petitioners submits that the alleged recovery is not from the house of the petitioner rather it is the place outside the house of the petitioner to which he has no concern. The petitioner has no criminal antecedent.



Learned APP has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein general and omnibus kind of allegation have been made against the petitioner and his family, the recovery is from a place which does not belong to the petitioner and the family and the petitioner has otherwise no criminal antecedent, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Piyar P.S. Case No. 39 of 2020 be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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.

Case diary has been returned by learned APP. Let it be taken on record.

(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'.

