

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33998 of 2021**

Arising Out of PS. Case No.-98 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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JITAN SAHNI S/O LATE METHUR SAHNI R/o village- Dakshinwari Tola
Dakrama, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Excise Case No. 98 of 2021 arising out of P.R. No. 101/2020-21 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, having got secret information, informant along with other police officials raided the house of the petitioner and 30 litres of illicit liquor was recovered from a boundary wall made by bamboo situated in



front of house of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioner rather the alleged recovery has been made in front of house of the petitioner. Petitioner is in custody since 27.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 98 of 2021 arising out of P.R. No. 101/2020-21, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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