

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38335 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- MOTIPUR District- Muzaffarpur

HIRALAL SAHNI Son of Bhabichhan Sahni Resident of Village- Chakki
Rasulaganj More (Gehuachak), P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Motipur P.S. Case No.80 of 2021, registered for the offence punishable under Sections 272, 273, 120(B) of the IPC and sections 30(A), 34, 36, 41(1)(2) of the Bihar Prohibition and Excise Act, 2018.

Altogether 50.333 liters of country made liquor along with some articles for preparing country made wine is said to have been recovered from front of hut of one Manoj Sahni by the side of mun (Part of river) in village Chakki Rasulaganj. The



petitioner and other accused persons fled away from the spot on seeing the police but their names have been disclosed by the village Chaukidar.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case. The said liquor was recovered from the side of the dead river in front of the hut of the Manoj Sahni from which the petitioner has got no concern nor he was present at the spot. Petitioner has one criminal antecedent of similar nature of offence, as mentioned in para-3 of the bail application and has been languishing in custody since 28.03.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Muzaffarpur, in connection with Motipur P.S. Case No.80 of 2021, with the following conditions:-

(1) 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 petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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