

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47546 of 2021

Arising Out of PS. Case No.-85 Year-2019 Thana- TAJPUR District- Samastipur

MUKESH SAHNI, Son of Dharmdev Sahni Resident of Village- Gunai
Bashi, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-09-2021 Heard Mr. Kundan Kumar, learned counsel for the

petitioner and Mr. Parmanand Kumar, learned Additional Public

Prosecutor for the State.

The petitioner seeks regular bail in connection with
Tajpur (Halai) Police Station Case No. 85 of 2019, registered for
the offences punishable under Sections 30(a), 41(i) and 41(2) of
the Bihar Prohibition and Excise Act, 2016.

This is the second attempt on behalf of the petitioner
for grant of regular bail inasmuch as earlier, the prayer for
regular bail of the petitioner was dismissed as withdrawn by this
Court, vide order, dated 12.04.2021, passed in Criminal Misc.
No. 6221 of 2021, giving liberty to the petitioner to renew his
prayer for bail after three months from the date of the order, if
the trial does not show any progress.



Prosecution story in brief is that on the basis of secret information, the police team proceeded towards place of occurrence and found a truck standing between the wheat field and bushes bearing Registration No. UP82T-0146 and upon search, police recovered 2623 litres of illicit liquor from the same and the petitioner has been impleaded in this case on the basis of secret information received by the police.

Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner earlier this Court had granted liberty to the petitioner to renew his prayer for bail after three months. Learned counsel for the petitioner next submits that the petitioner is in custody since 12.07.2020 and the charge-sheet has already been submitted against the petitioner and no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner is not the owner or the driver of the truck.

Regard being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 12.07.2020, the charge-sheet has already been submitted and this is the second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Samastipur, in connection with Tajpur (Halai) Police Station Case No. 85 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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