

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1297 of 2021

Arising Out of PS. Case No.-313 Year-2019 Thana- PATEPUR District- Vaishali

Sunil Sahni Son of Lal Babu Sahni @ Arjun Sahni Resident of Village-
Salempur Salkhani, P.S.- Patepur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Shambhu Prasad Yadav, Adv
For the State	:	Mr. Kumar Veerendra Narayan APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

The petitioner seeks bail in Patepur PS Case No 313 of 2019, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

819 litres illicit foreign liquor is alleged to have been recovered from the house of co-accused, namely, Rambabu Sahni. From house of other co-accused, namely, Bhola Sahni 60.480 litres has been recovered. First Information report alleges that the petitioner is the owner of the recovered substance, which he coerced the said co-accused persons to store in their house.

The counsel for the petitioner submits that petitioner's implication is on basis of statements of these co-accused



persons, from whom, the recovery has been made, and as such, implication is legally unsustainable. He is in custody since 19.08.2020. Admittedly, there is no recovery from the petitioner or from his property. He has no criminal antecedents.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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 Additional District and Sessions Judge II-cum-Special Judge, Excise Act, Vaishali at Hajipur, in connection with Patepur PS Case No 313 of 2019, subject to the following conditions:-

(i) 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 petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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