

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5578 of 2021**

Arising Out of PS. Case No.-583 Year-2019 Thana- KUDHNI District- Muzaffarpur

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JITENDRA KUMAR @ JITENDRA KUMAR SAHNI @ JITENDRA
SAHNI SON OF RAJ KUMAR SAHNI RESIDENT OF VILLAGE -
CHARKORIYA, POLICE STATION- KURHANI (TURKI O.P), DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha,Adv.
For the Opposite Party/s : Ms. Rina Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-04-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Kudhni P.S. Case No.583 of 2019 registered for

the offences punishable under Sections 414/34 of the Indian

Penal Code and Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

As per the prosecution story the informant got

information regarding arrival of consignment of liquor and the



informant reached at the given place and intercepted one motorcycle and apprehended two persons and recovered 21.825 liters of illicit liquor in throwing condition near the motorcycle. The apprehended persons disclosed the name of Mukesh Sahani, Jitendra Sahani and Manvir Sahani saying that they are involved in sale and business of illicit liquor. Thereafter the informant reached at the house of Jitendra Sahani and Manvir Sahani and seized 36 liters of illicit liquor from the verandah of the house.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel submits that there is no recovery of illicit liquor from the conscious possession of the petitioner. It is submitted that prior to the present case the petitioner had no criminal antecedent and he is in custody since 08.10.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the recovery of illicit liquor has been shown from the Verandah which is an open place in the house of Jitendra Sahani and co-accused Manvir Sahani, the petitioner is in jail in connection with present case since 08.10.2020, the co-accused



Manvir Sahani has been granted bail by a learned coordinate Bench of this Court and prior to the present case the petitioner had no criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kudhni P.S. Case No.583 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

(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'.

