

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2792 of 2021

Arising Out of PS. Case No.-317 Year-2018 Thana- TAJPUR District- Samastipur

Mukesh Sahni Son of Dharmdev Sahni Resident of Village- Gunai Bashi,
Police Station- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Tajpur P.S. Case No. 317 of 2018, registered for the offence under Section Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 90 liters of foreign liquor has been recovered from the plastic bags in a pond, situated behind the duck-farm of co-accused Ranjit Sahni. Petitioner is also alleged to be one of the dealers of illicit liquor.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner and recovery has been made from a pond, which is accessible to the general public. Petitioner is in custody since 05.09.2020. Chargesheet has already been submitted.



Considering the period of custody as well as the fact that recovery has been made from a pond and chargesheet has already been submitted, the bail application of petitioner is allowed. Let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten 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 P.S. Case No. 317 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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