

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5573 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- MAJORGANJ District- Sitamarhi

PRAMOD SAHNI SON OF RAMDEV SAHNI RESIDENT OF VILLAGE-
RAMPAT PAKRI, P.O.- KUARI MADAN, P.S.- MAJORGANJ, DISTRICT-
SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

**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 Majorganj P.S. Case No.126/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant on getting secret information reached at the house of co-accused Bilat Sahani where on seeing the police party three persons started fleeing away but on chase two of them namely Pramod Sahani



(the petitioner) and the co-accused Bambam Kumar were caught. The police recovered 191.100 liters of illicit liquor behind the house of co-accused Bilat Sahani.

Learned counsel for the petitioner submits that the alleged illicit liquor has been recovered from a place behind the house of co-accused Bilat Sahani and the petitioner is not a family member of the said Bilat Sahani (co-accused). Learned counsel submits that the petitioner has been apprehended in this case and is in custody since 05.09.2020. It is submitted that the petitioner has otherwise no criminal antecedent.

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 alleged illicit liquor has been recovered from a place behind the house of co-accused Bilat Sahani, the petitioner is not a family member of the said Bilat Sahani (co-accused), he has been apprehended in this case and is in custody since 05.09.2020, otherwise he has no criminal antecedent, investigation against him is complete and at this stage there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the



course of trial, 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 Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with Majorganj P.S. Case No.126/2020, 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'.

