

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5876 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- KATHAIYA District- Muzaffarpur

Suresh Sahni, Son of Late Jai Sahni, Resident of Village - Pichpura, P.S.-
Paroo, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-06-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Kathaiya
P.S. Case No.98 of 2020 registered for the offence punishable
under Sections 272, 273/34 of the I.P.C. and Section 30(A) of
the Bihar Prohibition and Excise Act, 2016.

770 litres illicit spirit has allegedly been recovered
from a truck. Co-accused Raju Sahni and Shahid Ahmad were



arrested from the place of occurrence and they have stated the petitioner's complicity. Based on confessional statement of co-accused having no evidentiary value, the petitioner having no criminal antecedents is in custody since 25.09.2020. The admitted position is that neither the petitioner was at the place of recovery nor there is recovery of any illegal substance from the petitioner.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Special Judge, Excise, Muzaffarpur, in connection with Kathaiya P.S. Case No.98 of 2020, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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