

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7204 of 2021**

Arising Out of PS. Case No.-665 Year-2020 Thana- SARAIYA District- Muzaffarpur

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RAMBABU SAHNI S/O FULDEV SAHNI R/O VILLAGE TILBIHTA, P.S.
SARAIYA (O.P-JAINTPUR), DISTRICT-MUZAFFARPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar,Advocate

For the Opposite Party/s : Mr.Anuj Kumar Srivastava,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anuj Kumar Srivastava, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Saraiya (OP-Jaitpur) P.S. Case No. 665 of 2020 corresponding to G.R. No. 1308 of 2020 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, 35.25 liters of illicit liquor is said to have been recovered from a Santro Car.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that investigation against the petitioner is complete. The petitioner is in custody in connection with the present case since 08.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is alleged that 35 liters of illicit liquor has been recovered from the vehicle in question, the petitioner denies his ownership with the said vehicle and according to him, while passing through that vehicle the police had arrested him, he has no criminal antecedent and in connection with the present case he has remained in jail since 08.10.2020, investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of the investigation or the prosecution, this Court directs release of the petitioner above named on bail on furnishing of 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 Act, Muzaffarpur, in connection with Saraiya (OP-Jaitpur) P.S. Case No. 665 of



2020 corresponding to G.R. No. 1308 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

