

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7221 of 2021**

Arising Out of PS. Case No.-268 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

SURAT SAHANI Son of Jamadar Sahani Resident of Village- Bangra
Nizamat, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

**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 learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Sahebganj P.S. Case No. 268/2019

registered for the offences punishable under Sections 272 and

273 of the Indian Penal Code and Sections 30(a)(d)(g), 41(1) of

the Bihar Prohibition and Excise Act, 2016.

The prosecution case in short is that on 28.06.2020 at

about 7.00 am after receiving a secret information the SHO,

Sahebganj police station along with nine police personnel

proceeded to Bangra Nizamal for conducting a raid in



connection with illicit liquor. It is further alleged that one Rajesh Rai in his bamboo orchard and this petitioner in his field are running an illicit liquor factory. The police raided the bamboo orchard of Rajesh Rai and recovered 1000 liters of Mahua Mitha and Bhakhar liquor solution and from the field of petitioner 2000 liters of Mahua Mitha Bhakhar liquor solution and 40 liters of country made liquor were recovered.

Learned counsel for the petitioner submits that the petitioner is handicapped and he has been falsely implicated in the present case on the allegation that from the joint holding (land) illicit liquors have been recovered. Learned counsel submits that the co-accused have already been granted bail as stated in paragraph '13' of the present application. It is submitted that prior to the present case the petitioner had no criminal antecedent and he has remained in jail in connection with this case since 28.08.2020.

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 the submission of learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the allegation that from the joint holding (land) illicit



liquors have been recovered, the co-accused have already been granted bail as stated in paragraph '13' of the present application and further the petitioner has remained in jail in connection with this case since 28.08.2020, prior to the present case he had no criminal antecedent, he is handicapped and his further incarceration is not likely to come in aid of investigation or prosecution, this Court directs release of the petitioner above named on bail on furnishing bail bonds 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 Sahebganj P.S. Case No. 268/2019, 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)

arvind/rajeev

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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'.

