

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9142 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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Baiju Kumar @ Baiju Sahni, Son of Lalbabu Sahni, Resident of Village-
Jhapahan Dih, P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms.Sangeet Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 15-07-2021 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
Ahiyapur P.S. Case No.136 of 2020 registered for the offence
punishable under Sections 272/273 and 34 of the Indian Penal
Code and Sections 30(a) and 36 of the Bihar Prohibition and
Excise Act.

During routine vehicle checking, some liquor has



been found in possession of co-accused Sujeet Kumar Sahani. His arrest has led to further search and seizure from various places and 737.40 litres illicit liquor has been recovered. Out of said amount, 225 litres have been recovered from the petitioner's house which, as per Counsel for the petitioner, has wrongly been stated as 175 litres in paragraph 9 of the bail petition due to inadvertent error. Counsel for the petitioner submits that wrong order has been annexed to the main bail application and therefore, by way of supplementary affidavit, he has placed on record, the order of rejection by the court below in respect of the instant petitioner, namely, Baiju Kumar, dated 25.11.2020.

The submission is that the recovery is from the petitioner's house, for which he cannot be held liable. Further submission is that he has been remanded in this case after his arrest in Ahiyapur P.S. Case No.300 of 2020. Merely because of his antecedents, he is in custody since 17.04.2020 and has already been allowed bail in Ahiyapur P.S. Case No.300 of 2020.

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 court of learned Special Judge, Excise Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No.136 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 petitioners' 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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