

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8802 of 2021**

Arising Out of PS. Case No.-604 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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ASHOK SAHNI Son of Sri Jhapas Sahni Resident of Village - Tarma Pokhar,
P.s.- Ahiyapur, Dist.- Muzaffarpur. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand,Advocate
For the Opposite Party/s : Mr.Amitesh Kumar,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-05-2021 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. Amitesh
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Town P.S. Case No. 604 of 2020 registered for the
offences punishable under Sections 272, 273, 414 and 34 of the
Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act,
2016.

Learned counsel for the petitioner submits that as per the
prosecution story, on secret informant, the informant along with other
police personnel reached at the place of occurrence and apprehended
accused persons including this petitioner with three motorcycles. On
search of the said motorcycles, total 110 liters of illicit liquor was



recovered.

Learned counsel 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 since 30.09.2020 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 from possession of the petitioner 35 liters of illicit liquor have been recovered though in total from the three motorcycles 110 liters have been recovered, so far as this petitioner is concerned, he is in custody since 30.09.2020, investigation against him is complete and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of 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, Muzaffarpur in connection with Town P.S. Case No. 604 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'.

