

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1979 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- MAJHAULIA District- West Champaran

Mohan Sahni Son of Tilak Sahni Resident of Village - Ward no. 5, Noniya
Tola, P.S.- Pahadpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Umesh Kumar Gupta, learned
counsel for the petitioner as well as learned Additional
Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Majhauriya P.S.Case No. 471 of 2021
for the offences punishable under Sections 30(a) of the
Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that
on secret information, police party raided Joakatiya
village and seized a truck. On search being made



altogether 1400 liters illicit liquor and 42.5 quintal rice were recovered from the truck.

It is submitted by the learned counsel for the petitioner that petitioner was not arrested with the alleged liquor rather the same has been recovered from open place which does not belong to the petitioner. Petitioner is man of clean antecedent and during the course of investigation, no material has come which suggest the complicity of the petitioner in the present crime. It is lastly submitted that this petitioner is in custody since 16.09.2021 though, the investigation is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is found to be involved in the present crime wherein huge quantity of consignment were recovered from the truck.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery of the illicit liquor has not been recovered



from persons or possession of this petitioner and the aforesaid truck in question does not belong to the petitioner. Moreover, petitioner is in custody since 16.09.2021 though, investigation has already been concluded and the charge sheet has been submitted, apart from the fact that petitioner has clean antecedent , let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Majhauriya P.S.Case No. 471 of 2021.

(i) one of the bailors will be the close relatives of the petitioner.

(ii) The petitioner will cooperate in conclusion of the trial.

(iii) He will remain present on each and every date of trial till disposal of the case.

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

U			
---	--	--	--

