

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2571 of 2022

Arising Out of PS. Case No.-179 Year-2020 Thana- KHANPURA District- Samastipur

Naresh Sahani, Son of Narayan Sahani, Resident of Village- Teleghara, Police
Station- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Bijay Bhushan Prasad, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Khanpur P.S. Case No. 179 of 2020 for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, it is alleged that on secret
information the police raided the house of this petitioner and it
is alleged that from a hut total 15 litres of country made liquor
was recovered.

It is submitted by the learned counsel appearing on
behalf of the petitioner that from perusal of the seizure list it is



evident that the alleged recovery has been made from a hut, which is not a dwelling house and moreover there is no compliance of the provisions prescribed under Section 100 of the Cr.P.C. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the conscious possession of this petitioner and so far the hut is concerned that was an abandoned hut. It is also submitted that this petitioner is in custody since 25.08.2021, though investigation of the crime is complete and the charge-sheet has been submitted and as such keeping the petitioner behind the bar would not serve the purpose.

On the other hand, learned APP for the State opposes the bail application and submits that this petitioner has been found involved in a similar nature of case. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in the aforesaid case.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from a hut, which was said to be an abandoned and not the dwelling house of the petitioner, inasmuch as the petitioner is in custody since 25.08.2021 and the investigation is already completed and the charge-sheet has



already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur in connection with Khanpur P.S. Case No. 179 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

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

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

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of



the above-mentioned order, shall not be delayed for this purpose
or in the name of verification.

(Harish Kumar, J)

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