

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4472 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- KHANPURA District- Samastipur

Kanhaiya Sahni Son Of Late Hari Sahni R/O Village- Baghopur, P.S.- Rosera,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Rabindra Kumar Priyadarshi, learned counsel for the petitioner and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Khanpur P. S. Case No. 266 of 2021 registered for the offences punishable under Sections 30 (a), (b) and (c) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that on a secret information, a raid has been conducted in different houses. It is further alleged that from the house of this petitioner



50 litre country-made liquor was recovered along with other utensils.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery is made from a joint family house and not from the exclusive possession of this petitioner. It is further submitted that the petitioner is first offender and he has never been implicated in any such kind of case and he is in custody since 21.11.2021, though the investigation of the crime has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the house of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from the joint family house and moreover, this petitioner is in custody since 21.11.2021, though the investigation of the crime has already been completed and the charge-sheet has been submitted and this petitioner has no criminal antecedent, let the petitioner, above named, 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 District & Sessions Judge-II-cum-Special Judge, Excise, Samastipur in connection with Khanpur P. S. Case No. 266 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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