

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7077 of 2022

Arising Out of PS. Case No.-422 Year-2020 Thana- DUMRA District- Sitamarhi

Sanjay Sahni S/o Makeshar Sahni R/o village- Lagma Ward No. 07, P.S.-
Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dumra
P.S. Case No. 422 of 2020 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.10.2021.

The allegation against the petitioner is to have in
possession of 1339.890 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the basis
of confessional statement of chowkidar with the presumption
that the petitioner alongwith other co-accused persons engaged
in illegal business of liquor. It has further been submitted that



the petitioner is involved only in one case of similar nature in which he is on bail. It has further been submitted that similarly situated co-accused has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 27017 of 2021 dated 26.11.2021. While concluding the argument, it has further been submitted that provisions of Section 100 of Cr.P.C. has not been complied with.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from an open place.

Considering the facts and circumstances as mentioned above, as the recovery of alleged illicit country made liquor has been made from an open place coupled with the fact that nothing incriminating surfaced which may connect the petitioner with the alleged recovery of the illicit liquor, let the petitioner, above named, is directed to be released on bail in connection with Dumra P.S. Case No. 422 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Excise Court-1, Sitamarhi, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Geeta Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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