

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7407 of 2022

Arising Out of PS. Case No.-418 Year-2021 Thana- PATORI District- Samastipur

Surendra Sahni Son of Sakal Sahni R/O Village- Rupauli Chaksima, P.S.-
Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Patori
P.S. Case No. 418 of 2021 registered for the offence under
Sections 272, 273, 307, 328, 302, 120B and 34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.01.2022.

The allegation against the petitioner is to sell spurious
liquor, consumption of which caused death of four persons.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the F.I.R. and his name surfaced on the basis of confessional statement of co-accused, namely, Shambhu Rai. It is submitted that as Call Details Report (CDR) suggesting conversation with Shambhu Rai, who is also the resident of same locality, the petitioner has been implicated in the present case. It is submitted that there is no recovery of illicit spurious liquor from the physical possession of the petitioner, where the chargesheet has been submitted without obtaining any chemical or forensic report. It is submitted that save and except CDR, nothing incriminating surfaced against this petitioner, which may connect the petitioner with the present set of occurrence. It is pointed out that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. Nos. 2496 of 2022 and 23268 of 2022 dated 12.07.2022 and 08.08.2022 respectively. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that except confession and report of call details, as regard to conversation



with main accused, nothing incriminating surfaced against this petitioner.

In view of the facts and circumstances, as mentioned above, as except confession and CDR, nothing incriminating surfaced during the course of investigation, which may connect the petitioner with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patori P.S. Case No. 418 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Samastipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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