

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9276 of 2022

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

Shiv Sahni @ Shiv Sahani, Son of Tilak Sahni, Resident of Ward No.05,
Noniya Tola, P.S.- Pahadpur, District- 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. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2022 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. Umesh Kumar Gupta, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Majhauliya P.S. Case No. 471 of 2021 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 party raided village Jaokatiya and seized a truck. On search being made, altogether 1400 litres of illicit spirit and 42.5 quintals of rice were recovered from the truck. It is further alleged that the petitioner has been identified by the



Chaukidar while he was said to be fleeing away from the place of occurrence.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that during the course of investigation, nothing has come to suggest the complicity of this petitioner with the alleged recovered materials. It is also submitted that except the allegation that he was identified by the Chaukidar while fleeing from the place of occurrence, there is no other material against this petitioner and furthermore the petitioner is in custody since 21.10.2021, moreover the investigation of the crime is already completed and no further interrogation is required. It is lastly submitted that co-accused person, having similar allegation, namely, Mohan Sahni, has been granted bail by this Court in Cr. Misc. No. 1979 of 2022 vide order dated 21.06.2022, a copy of which has been produced before this Court, which is kept on record.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has been identified by the Chaukidar while he was



fleeing from the place of occurrence.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation, apart from the fact that co-accused person, having similar allegation, namely, Mohan Sahni, has been granted bail by this Court, moreover the fact that investigation of the crime has already completed, 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 Special Judge, Excise Act, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 471 of 2021, 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)

uday/-

U		T	
---	--	---	--

