

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10941 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- ALAMGANJ District- Patna

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PAACHU SHANI @ PANCHU SAHANI S/o Jaglal Sahani @ Jaylal Sahani
R/o Mohalla- Gosai Ghat, Pani Tanki, Abdullah Chak, Patna- 7, P.S.-
Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Adv

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 130 liters of country made liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of confessional statement of co-accused, namely, Md. Sazzad. He further submits that in fact nothing has been recovered from conscious possession of the petitioner



and the petitioner has falsely been implicated in the present case on the basis of suspicion that he is doing business of illegal liquor. He further submits that there is no independent witness and nothing has been recovered from conscious possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Alamganj P.S. Case No.37 of 2021 corresponding to Special Case No.513 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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