

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13003 of 2022

Arising Out of PS. Case No.-252 Year-2020 Thana- KHODAWANDPUR District- Begusarai

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Sri Ram Sahni Son of Raj Kumar Sahni Resident of Village - Rahua, P.S.-
Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-07-2022 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
Khodawandpur P.S. Case No. 252 of 2020 registered for the
offence under Sections 120(B), 414, 465 and 447 of the Indian
Penal Code and Sections 30(a) and 41(i) of the Bihar
Prohibition And Excise Act, 2016.



The accused/petitioner is named in the F.I.R. and is in custody since 07.12.2021.

The allegation against the petitioner is to involve in illegal business of illicit liquor, where 1298.820 liters of foreign liquor was recovered from a Tata Yodha van.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was found running away from the alleged vehicle in which illicit liquor was loaded, after being seized by the police. It is submitted that the name of the petitioner surfaced on the basis of confessional statement of the apprehended co-accused and, admittedly, it is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in five other criminal cases, in which he is on bail. 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 petitioner was not apprehended at the spot, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical



possession of the petitioner 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 Khodawandpur P.S. Case No. 252 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, Excise Act or Successor Court, Begusarai, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That 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
Dilip Kumar Sahni, who is the father-in-law
of the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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