

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14633 of 2022

Arising Out of PS. Case No.-797 Year-2020 Thana- AHİYAPUR District- Muzaffarpur

SANJAY SAHNI S/o Jagdev Sahani Resident of Village- Kolhua
Paigamberpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 797 of 2020 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery



of 1905.735 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that save and except secret information of police spy/Chaukidar, nothing incriminating surfaced against the petitioner and the same is based upon mere suspicion. It has further been submitted that one of the co-accused, namely, Anand Kumar has already been granted anticipatory bail by a learned co-ordinate Bench through Cr. Misc. No. 18285 of 2021 dated 06.04.2021. It has further been submitted that the petitioner is involved in one case other case, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that vehicle from where the illicit liquor were seized not belongs to the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in



connection with Ahiyapur P.S. Case No. 797 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, Muzaffarpur, subject to the following conditions:

“(i) That 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) 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 Babita Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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