

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14442 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- JANDAHA District- Vaishali

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SANJAY SAHNI S/O RAJ KUMAR SAHNI R/o Village- Dulaur, P.S.-
Jandaha, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Jandaha P.S. Case No. 149 of 2021 registered for the offences
punishable under Section 414 of the I.P.C. and Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 46.5 litre illicit wine from tempo in question and driver of the
said tempo was apprehended on the spot. Name of petitioner
and other surfaced in this case on the disclosure of driver as
partner in the sale of liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 16.12.2021 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner and he has falsely been implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 149 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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