

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15178 of 2022**

Arising Out of PS. Case No.-230 Year-2021 Thana- JANDAHA District- Vaishali

Sanjay Sahani S/O Raj Kumar Sahani R/O Village- Dulaur, P.S.- Jandaha,
District- Vaishali, Bihar

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-07-2022 Let the defects(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 by virtual mode.

The petitioner seeks bail in connection with Jandaha
P.S. Case No. 230 of 2021 registered for the offences punishable
under Sections 30(a), 32(ii) and 41(i) of Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery of
209.31 litre foreign liquor from a hut situated beside the house
of the petitioner and petitioner was apprehended on the spot by
police.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.10.2021 and bears no criminal



antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner has no concern with the seized liquor. Nothing has been recovered from conscious possession of the petitioner and he has been falsely implicated in this case.

Learned A.P.P for the State opposes the prayer for the bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge-sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Judge-I-cum-Additional Sessions Judge, Vishali at Hajipur, in connection with Jandaha P.S. Case No. 230 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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