

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16401 of 2022

Arising Out of PS. Case No.-512 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Baban Sahni S/O Rajindra Sahani R/O Village- Bangra Nizamat, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Kanhaiya Kishore

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 by virtual mode.

The petitioner seeks bail in connection with
Sahebganj P. S. Case No. 512 of 2021 registered for the offences
punishable under Section 272, 273, 34, of Indian Penal Code
and under Section 30(a), 37(c) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery of
25 litre country made wine near the field of Ramnath where
selling of the alleged liquor was being done and the petitioner
was caught on the spot by the search party.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.11.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in this case. Learned counsel for the petitioner further submits that alleged recovery has been made from a public land that does not belong to petitioner.

The learned A.P.P. for the State vehemently 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, 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. 10,00/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No.-2, Muzaffarpur in connection with Sahebganj P. S. Case No. 512 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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