

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18226 of 2022**

Arising Out of PS. Case No.-180 Year-2021 Thana- AURAI District- Muzaffarpur

Vikash Sahni Son of Bhagray Sahni @ Bhograj Sahni Resident of village -
Shambhuta Dih, P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-07-2022 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 Aurai P.S.
Case No. 180 of 2021 registered for the offence under Sections
272, 273 and 34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 91
litres of illicit IMFL and 30 liters of raw spirit.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of illicit IMFL and raw spirit was made from house of co-accused, namely, Sanoj Sahni, where, name of the petitioner surfaced on the basis of disclosure made by the co-accused. It has further been submitted that nothing surfaced during course of the investigation, which may connect the petitioner with the alleged recovery, in furtherance of the said disclosure. While concluding the argument, it has been submitted that investigation has been 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 recovery has been made from the house of co-accused, namely, Sanoj Sahni, as per FIR.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of 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 Aurai P.S. Case No. 180 of 2021 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-I, 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 Maha Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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