

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20413 of 2022**

Arising Out of PS. Case No.-167 Year-2021 Thana- LAURIA District- West Champaran

Saroj Sahni Son Of Sahdev Sahni R/O Village- Nauka Tola, Jagdishpur, P.S.-
Jagdishpur, District- W. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aprajita, Advocate Mr. Animesh Kumar, Advocate Dr. Rachna Chauhan, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, Advocate

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

4 13-07-2022 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 Lauriya
P.S. Case No. 167 of 2021, registered for the offence under
Sections 302, 328 and 34 of the Indian Penal Code and Sections
30(a), 33 and 37(b) of the Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.02.2022.

The allegation against the petitioner is to involve in
the business of illicit liquor, where one person died after
consuming the said liquor, alleged to be spurious.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of one co-accused, namely, Karmullah Ansari, while apprehending in Lauriya P.S. Case No. 160 of 2021. It is submitted that nothing surfaced or recovered in furtherance of the said confession, which may incriminate or connect the petitioner with the present set of occurrence. It is further submitted that petitioner is involved in nine other criminal cases, as mentioned in paragraph no.3 of the bail petition, wherein, he is on bail in all cases and in most of these cases, the name of the petitioner surfaced on the basis of confessional statement, as of present. It is further submitted that nothing surfaced during the course of investigation to suggest that petitioner was found in manufacturing of spurious liquor. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R. and there is nothing incriminating recovered from the physical possession of the petitioner, during the course



of investigation.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the physical possession of the petitioner in furtherance of the confessional statement of the co-accused suggesting involvement in activities of spurious liquor coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lauriya P.S. Case No. 167 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 Special Judge, Excise, West Champaran/concerned Court, subject to the following conditions:

“(i) That accused/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 Manorama Devi, who is the wife of the petitioner and deponent of the present bail petition.

(iv) If the petitioner tampers with the evidence or witnesses in any manner, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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