

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21347 of 2022

Arising Out of PS. Case No.-319 Year-2018 Thana- PAROO District- Muzaffarpur

Shyam Babu Sahni Son Of Shankar Sahni R/O- Village- Delua, P.S.- Paroo,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Paroo P.S. Case No. 319 of 2018 registered for the alleged offences under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Allegedly recovery of 30 liters of illicit country made liquor was made from bamboo orchard situated behind the house of the petitioner.

Learned counsel for the petitioner submits that

petitioner has not been arrested from the spot and noting incriminating has been recovered from his possession. Alleged recovery has been made from an open space and petitioner could not be held liable for the same. The petitioner has got clean antecedent and he is in custody since 20.01.2022. Charge sheet has been submitted in this case and other co-accused persons have been granted bail.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that recovery is stated to be made from an open space and the petitioner has clean antecedent and the charge sheet has been submitted and further considering the period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Muzaffarpur in connection with Paroo P.S. Case No. 319 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be the

person, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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