

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21430 of 2022

Arising Out of PS. Case No.-369 Year-2019 Thana- PAROO District- Muzaffarpur

Jay Prakash Sahani, Son of Baldeo Sahni, Resident of Village - Kamalpura
Kothi Tola, P.S.- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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. 369 of 2019, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

Allegedly, 50 liters of illicit liquor was recovered from the house of the petitioner and the petitioner escaped from his house.

The learned counsel appearing on behalf of the petitioner submits that the petitioner was not arrested from the



spot. Nothing incriminating has been recovered from his conscious possession. The petitioner has been falsely implicated due to the grievances of the police personnel who were demanding illegal gratification from him. The seizure list does not bear the signature of any independent witness though the recovery is stated to be made from the village. The charge sheet has been submitted in this case and the petitioner is in custody since 13.11.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been made from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Court No. II, Muzaffarpur, in connection with Paroo P.S. Case No. 369 of 2019, 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 a close



relative of the petitioner.

(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)

V.K.Pandey/-

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