

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25315 of 2022**

Arising Out of PS. Case No.-309 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

Sahindra Sahni @ Sahindra Sahani Son Of Bahadur Sahni R/O Village-
Sanathi, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 27-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Arvind Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bochahan P. S. Case No. 309 of 2021 registered for the offences punishable under Sections 272 and



273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act.

As per the prosecution case, it is alleged that the Police, on a confidential information that the F.I.R. named accused persons are involved in preparing and selling of illicit liquor, raided the bank of Bagmati river and from where 20 litres of country-made liquor and other utensils/apparatus used in the manufacturing of wine have been recovered. It is further alleged that the police destroyed 200 litres of mixture of jiggery and oil nut flower.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested on the spot nor any incriminating material has been recovered from the conscious or constructive possession of the petitioner and moreover, the recovery has been made from the bank of Bagmati River, which is accessible to all, cannot be said to be under control of the petitioner. It is further submitted that the petitioner is a man of fair antecedent and he is in custody since 07.02.2022 and moreover, the investigation of the crime has been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that during the course



of investigation, the complicity of the petitioner has come and he is also named in the F.I.R.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, the recovery has been made from a bank of river and he is in custody since 07.02.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1, Muzaffarpur in connection with Bochahan P. S. Case No. 309 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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