

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23086 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- MITHANPURA District- Muzaffarpur

Kishore Sahni, Son of Shiv Sahni, Resident of Village - Chhoti Kothiya, P.s.-
Mushahari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, 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 Mithanpura Case No. 259 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of total 776.64 litres of illicit liquor was made from a four wheeler and two two wheelers and co-accused Niranjana Kumar was apprehended from the spot. The name of the petitioner was disclosed by the



co-accused for being involved in the illegal business of liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. Co-accused Niranjan Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 29.03.2022 passed in Cr. Misc. No. 14316 of 2022. Similarly situated co-accused persons namely Raja Kumar and Dhananjay Kumar have also granted bail by Co-ordinate Benches of this Court vide order dated 29.03.2022 passed in Cr. Misc. no. 14963 of 2022 and 13731 of 2022, respectively. The petitioner is in custody since 11.02.2022 and charge-sheet has been filed and the petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of charge-sheet and the period of custody of the 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 Exclusive Special Excise



Court No.1, Muzaffarpur in connection with Mithanpura P.S.
Case No. 259 of 2021, subject to the conditions mentioned in
Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Vakil Kumar, son of the petitioner, who has sworn the affidavit in this case.
- (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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