

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24253 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

VINOD SAHNI Son of Uttim Sahni Resident of village - Paharpur, P.S.-
Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Tariyani P.S. Case No. 325 of 2021 registered for the offences
punishable under Sections 30(a), 37(2) of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery
of 05 litres country made liquor from the house made of straw
behind Vinod Sahni's house. Villagers disclosed the name of
petitioner who fled away.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.01.2022. Petitioner bears



criminal antecedent of one case of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the recovery has been made from the outer side of the house of the petitioner where anyone can reach easily. The recovery has been made in the absence of the petitioner and someone kept the same in the straw house of the petitioner and implicated him in the present case. The F.I.R. lodged on 26.12.2021 and the petitioner was apprehended on 24.01.2022 meaning thereby the petitioner was not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – II-cum-



Special Judge, Excise, Sheohar in connection with Tariyani P.S.

Case No. 325 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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