

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32951 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Krishna Kumar @ Krishna Sahni S/o- Late Suresh Sahni R/o Village-
Alinagar English, P.S.- Surajgarha, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jharkhandi Upadhyay
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Kabaiya P.S.
Case No. 356 of 2020, Excise Case No. 317 of 2020 registered
for the offences punishable under Sections 30(a), 32(ii), 45 of
Bihar Prohibition and Excise Act and Sections 307, 353, 414/34
of the Indian Penal Code.

According to prosecution case on 11.7.2020 the S.I.
cum SHO of Kabiya Police Station along with police officials
reached near Jamui Road then an Alto Car was stopped in



which four persons were sitting. The driver of the Alto car was arrested and 177 liters of wine and a country made pistol with one cartridge was recovered from the dikky of the car.

Learned counsel for the petitioner submits that that the petitioner has falsely been implicated in the present case only on the basis of the disclosure made by the co-accused. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from one Alto Car in question. He further submits that the police after investigation submitted charge-sheet against the petitioner. He further submits that similarly situated co-accused, namely, Md. Riyaz has been granted bail vide order dated 6.7.2021 passed in Cr. Misc. No. 36532 of 2020 by the co-ordinate bench of this Court.

The petitioner is in custody since 25.2.2021.

The learned Additional Public Prosecutor opposed the prayer of bail, submitting that petitioner carries two criminal antecedents.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Court Excise, Lakhisarai, in connection with Excise Case No. 317 of 2020, arising out of Kabaiya P.S. Case No. 356 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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