

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25471 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- JAYNAGAR District- Madhubani

Sanjay Sahni son of Parikshan Sahni, Resident of Village-Kaluahi Danga
Tole, P. S. -Kaluahi, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 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. Ratanakar Jha, learned counsel for the
petitioner as well as Mr. Md. Matloob Rab, 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 Jaynagar P. S. Case No. 45 of 2022 (G.R.
No. 258 of 2022) registered for the offences punishable under
Section 30 (a) of the Bihar Prohibition and Excise (Amendment)
Act.

As per the prosecution case, it is alleged that while
the Police was on patrolling duty, they apprehended the



petitioner, who was on his bicycle with a sack. On search being made 54 litres Nepali wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that no such occurrence has ever taken place and the petitioner has neither any concern with the said bicycle nor with the alleged Nepali liquor. He was apprehended only on suspicion, apart from other infirmities in the seizure list, there is no independent witness of the same and moreover, the petitioner has no criminal antecedent and he is in custody since 20.02.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the conscious possession of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 20.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Additional Sessions Judge-II-cum-



Special Judge, Excise Act, Madhubani in connection with Jaynagar P. S. Case No. 45 of 2022 (G.R. No. 258 of 2022), 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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