

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25068 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- PURNAHYA District- Sheohar

HARENDRA SAHNI Son of Baran Sahni Resident of Village - Belwa
Narkatiya, P.S.- Piprahi, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-08-2022 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
Purnahiya P.S. Case No. 32 of 2022 registered for the offences
punishable under Sections 30(a) & 37(b) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 20 litres country made Chulai liquor from place of
occurrence. The petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 15.02.2022. 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 nothing has been recovered from the conscious possession of the petitioner. The petitioner has been forcibly apprehended by the police and the police have taken his signature on a blank paper and made false seizure list and memo of arrest. There is no compliance of Section 100 of Cr.P.C.

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, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Purnahiya P.S. Case No. 32 of 2022, 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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