

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27977 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- ASANWA District- Siwan

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Bhadu Sahni @ Bechu Mallah, S/o Shankar Sahni @ Shankar Mallah, R/o
village- Singhpur, P.S.- Asaon, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Asanw P.S. Case No. 102 of 2021, registered for the alleged offences under Sections 272, 273, 308 of the Indian Penal Code and Sections 30 (a) and 41 (i) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the police received secret information that the petitioner and other co-accused persons were carrying illicit liquor and crossing River Saryu for selling the same. A raid was conducted and 5-6 persons fled away from the spot leaving the bags which they were carrying on heads. Total 145 litres of country made liquor was recovered.



The fishermen and villagers disclosed the name of the petitioner along with other co-accused persons who fled away from the spot.

The learned counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Due to village politics, the name of the petitioner has been given in this case as an accused whereas he is a farmer. Similarly placed co-accused persons, namely Saha Sahni and Pradeep Sahni have been granted anticipatory bail vide order dated 22.11.2021 passed in Cr. Misc. No. 52235 of 2021 and another co-accused Bishwakarma Rajbhar has been granted bail vide order dated 08.03.2022 passed in Cr. Misc. No. 67245 of 2021 and the co-accused Budhi Yadav has also been granted bail vide order dated 08.03.2022 passed in Cr. Misc. No. 64805 of 2021 by different Coordinate Benches of this Court. The case of the petitioner is similarly placed. The charge sheet has been submitted in this case and the petitioner is in custody since 29.04.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been



shown from this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, who has got clean antecedent, he 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise Court No. 1, Siwan, in connection with Asanw P.S. Case No. 102 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be Shila Devi, the wife 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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