

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28088 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- CHANDAN District- Banka

Wakil Sahni, S/o Rajendra Sahni, R/o village- Dhobgauwa, P.S.- Kalyanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ranjan Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Chandan P.S. Case No. 62 of 2022 (Special Excise No. 324 of 2022) registered for the offences punishable under Sections 30 (a), 32 (2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police in course of patrolling duty, intercepted a Mini truck and a Maruti Breza car. On search being made total 1011.855 litres of Indian made foreign liquor was recovered. It is further alleged that the



petitioner happens to be the driver of Breza car was arrested at the spot.

It is submitted by the learned counsel for the petitioner that petitioner happens to be the driver of Breza car had not even aware as to what was being carried by the owner of the Breza car. It is next submitted that the petitioner has neither any concern with the Breza car nor with the illicit liquor. It is also submitted that one of the co-accused person, namely, Mithilesh Kumar Rai, has been granted bail by this Court in Cr. Misc. No. 27892 of 2022 vide order dated 05.08.2022. It is further submitted that apart from the several infirmities in the seizure list, there is complete violation of Section 100 of the Code of Criminal Procedure Code. It is lastly submitted that the petitioner is in custody since 25.03.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is involved in four cases of similar nature.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be the driver of the Breza Maruti Car and had not been aware as to what was being carried by the owner of the vehicle and



moreover one of the co-accused has already been granted bail by this Court and this petitioner is in custody since 25.03.2022 and the investigation of the crime is already completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, 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, Banka in connection with Chandan P.S. Case No. 62 of 2022 (Special Excise No. 324 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 physically 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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