

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28370 of 2022

Arising Out of PS. Case No.-276 Year-2020 Thana- PIPRAHI District- Sheohar

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Bhikhari Sahni @ Bhikhar Sahni, S/o Late Devaki Sahni, Resident of Village-
Belwa Narkatiya, P.S.- Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. M. K. Nirala, APP

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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. Devendra 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 Piprahi P.S. Case No. 276 of 2020 registered

for the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that while the

police was conducting vehicle checking, they intercepted a

Santro Car and on search total 105.7 litres of illicit liquor has

been recovered from different places.



It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. The name of the petitioner has been disclosed by the co-accused Sanjay Kumar Gupta, who has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 24264 of 2021 vide order dated 05.07.2021. It is next submitted that there is other infirmities in preparation of the seizure list and the same is in violation of Section 100 of the Cr.P.C. It is lastly submitted that the petitioner is in custody since 11.02.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has involved in one another case of similar nature.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and his name has been disclosed by co-accused person, who has already been granted bail by the learned co-ordinate Bench of this Court and this petitioner is in custody since 11.02.2022 and moreover the investigation of the crime is already completed and the charge-



sheet has been submitted, 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 2nd Additional Sessions Judge-cum-, Special Judge Excise, Sheohar in connection with Piprahi P.S. Case No. 276 of 2020, 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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