

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29054 of 2022

Arising Out of PS. Case No.-552 Year-2021 Thana- SAKRA District- Muzaffarpur

Akalu Sahni, Son Of Chanaru Sahni, Resident Of Village- Dedaul , P.S- Sakra, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 This petition has been taken up for out of turn hearing on mentioning slip being moved on behalf of the petitioner that his mother died and the petitioner is only son.

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 Sakra P.S. Case No.552 of 2021, registered for the alleged offences under Sections 272, 273, 308, 328/34 of the Indian Penal Code and Sections 30 (a) (c), 36 and 41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, recovery of 55 liters of



country made foreign liquor was made from two different places and the petitioner and other co-accused persons are stated to be involved in the manufacture and sell of the illicit liquor.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He has been named in this case merely on suspicion. Three other co-accused persons have been granted bail by a Coordinate Bench of this Court vide order dated 10.05.2022 passed in Cr. Misc. No. 16 of 2022. The case of the petitioner is similarly placed. The charge sheet has been submitted in this case and the petitioner is in custody since 23.03.2022 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, 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 Exclusive Special



Excise Court No.1, Muzaffarpur, in connection with Sakra P.S.
Case No. 552 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 Sunaina Devi,
mother 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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