

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30690 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Lal Babu Sahni, S/o Parmeshwar Sahni, Resident of Village- Shekhpur Dhab,
P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 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. Chandra Shekhar Anand, learned counsel appearing on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ahiyapur P.S. Case No. 260 of 2022 registered for the offences punishable under Sections 30(a)/36 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the police on a secret information that some persons have brought illicit liquor and kept it in a Bamboo orchard, raided the place of occurrence and on search total 198 litres of Indian made foreign



liquor was recovered from the bamboo orchard. It is also alleged that the petitioner was also apprehended from the bamboo orchard.

Learned counsel appearing on behalf of the petitioner submits that the bamboo orchard, which is situated just behind the house of the petitioner, does belong to him and moreover it is an open place, accessible to all. It is next submitted that the petitioner was apprehended by the police only on suspicion, though he has neither any concern with the bamboo orchard nor with the alleged recovered illicit liquor. It is lastly submitted that the petitioner is in custody since 05.04.2022, having fair antecedent, and moreover after completion of the investigation, charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a bamboo orchard, which does not belong to the petitioner and he is in custody since 05.04.2022, having fair antecedent, and moreover after completion of the investigation, 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 Special Judge, Excise, Court No.-I, Muzaffarpur in connection with Ahiyapur P.S. Case No. 260 of 2022, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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