

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41322 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- SAHIYARA District- Sitamarhi

PRAMOD SAHNI S/o Ram Iqbal Sahni @ Ram Ekbal Sahni Resident of
Village- Laxmipur, P.S.- Sahiyara, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

Petitioner who is in custody since 23.03.2021 seeks
regular bail in connection with Sahiyara P.S. Case No.36/2021
registered for the offence punishable under Section 30(a) Bihar
Prohibition and Excise Act, 2016.

Prosecution case in brief, is that the S.I. of Sahiyara
P.S. submitted written report alleging therein inter alia that on
22.03.2021, he got secret information that the petitioner and two



co-accused persons had stored a consignment of illicit wine in village Laxmipur Hanumannagar under a bridge for the purpose. On that information the informant along with police party reached there. Three persons were seen fleeing after seeing police party and they succeeded in fleeing away. The villagers disclosed their names as the petitioner and two co-accused persons. Thereafter, the place of occurrence was searched and total 280 bottles of Nepali Saufi wine of 300 ml. each i.e. 84 liters was recovered.

Learned counsel appearing on behalf of the petitioner submits that merely on the basis of suspicion petitioner has been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner as well as the petitioner has clean antecedent.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner and submits that the illegal smuggling of liquor from Nepal in the district of Sitamarhi and as such the petitioner's bail application should be rejected.

Considering the above-mentioned facts and circumstances of the case petitioner who is in custody since 23.03.2021 and prima facie, nothing has been recovered from



the conscious possession of the petitioner, the petitioner above named, be released on bail on furnishing bail bond of Rs.1,00,000/- (Rupees One Lac Only) with two sureties of the like amount each to the satisfaction of learned A.D.J.,Ind,-cum-Special Judge, Excise Act, Sitamarhi in connection with Sahiyara P.S. Case No.36/2021, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner are found involved in similar nature of offence, after release on bail, the trial court shall take steps to control his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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