

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31655 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- MAKER District- Saran

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Guddu Kumar Sahani @ Guddu Sahni, Son of Late Singeshwar Sahani,
Resident of Village- Hasanpura, Police Station- Maker, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Ankur Prakash Sinha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Maker P.S. Case No. 202 of 2021 registered for
the offences punishable under Sections 30, 30(a), of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information raided the Murahi Diyara and on search
total 280 litres of country made liquor was recovered from
across the river. However, on noticing the police party, the
accused persons succeeded in fleeing away and the local



Chaukidar disclosed the name of the petitioner and others.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover the alleged recovery has been made from across the river situated at Murahi Diyara, which is an open place accessible to any one. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case, however, he is on bail in other two cases. It is lastly submitted that the petitioner is in custody since 28.01.2022 and the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is involved in two other criminal cases.

Having regard to the submissions made on behalf of the parties and considering the fact that the recovery has been made from an open place and the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover this petitioner is in custody since 28.01.2022, apart from the fact that investigation



of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Maker P.S. Case No. 202 of 2021, 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.

(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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