

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43080 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- GADHPURA District- Begusarai

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SANJAY SAHNI S/o- Late Shobhi Sahni @ Ram Shobhi Sahni Resident of
Village - Sujanpur, Tola - Navtolia, P.S. - Garhpura, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 13.02.2021, seeks
regular bail in connection with Garhpura P.S. Case No. 118 of
2020 registered for offences punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in brief, is that altogether 674.64
litres of illicit liquor was recovered from the house of the
petitioner.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and nothing has been



recovered from his conscious possession. Petitioner has been implicated in the present case on the basis of suspicion. Petitioner is in custody since 30.02.2021.

Learned A.P.P. for the State submits that the petitioner is habitual offender and other two cases are pending against him and also considering that huge quantity of liquor was recovered from his house, the petitioner does not deserve to be enlarged on bail.

Considering the above mentioned facts and circumstances of the case as well as from perusal of the impugned order it appears that the Court below has taken note of the fact that petitioner has deliberately suppressed his criminal antecedent by filing a false affidavit before the Court below to obtain a favourable order from the Court below. It is not apparent as to whether the Court below has taken any legal action against the concerned persons who have sworn the affidavit as well as the advocate concerned, who has filed the said case, along with the Oath Commissioner before whom the affidavit was sworn.

Considering the merits of the case as well as the fact that nothing has been recovered from the conscious possession of the petitioner and the period of custody of the petitioner, the



Court below is directed to enlarge the petitioner on bail on furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Begusarai in connection with Garhpura P.S. Case No. 118 of 2020 with a condition that the bail granted by this Court shall not come in way to take legal action against the petitioner and all the accused persons who had filed and sworn the false affidavit knowingly and deliberately by giving incorrect statement before the Court below. The other conditions are as follows:

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

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

(iii) 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.

(Purnendu Singh, J)

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