

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33871 of 2022

Arising Out of PS. Case No.-35 Year-2020 Thana- HATHAURI District- Muzaffarpur

1. RAMDEEP SAHNI Son of Ram Bahadur Sahni Resident of Village - Dakrama, P.S.- Hathauri, Distt.- Muzaffarpur.
2. Sudist Sahni @ Sudish Sahni Son of Ram babu Sahni @ Ramu Sahni Resident of Village - Dakrama, P.S.- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Hathauri P.S.Case No. 35 of 2020 for the offences punishable under Sections 270, 272, 273, 328, 419, 420, 465, 467, 468, 471, 472 and 120B of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act and 4/6 of Trade Marks Act.

The allegation against the petitioners is to be



involved in trade of illicit liquor and its manufacturing. On secret information 225 liters of Indian made foreign liquor and other manufacturing items were recovered from banana field of Nagendra Sah.

Learned counsel for the petitioners submits that the alleged recovery has been made from a banana field of Nagendra Sah, which has no connection with the petitioners. He further submits that petitioners were neither apprehended at the spot nor any incriminating material have been recovered and their name have been implicated only on account of past criminal antecedent. He further submits that the name of the petitioners have been disclosed by village chaukidar and save and except the disclosure made by village chaukidar, there is not other material. He also submits that there is no compliance of section 100 of Code of Criminal Procedure in as much as, there is no independent witness to the seizure list. He further submits that the petitioners have been remanded in this case on 13.09.2021 and since then they are in custody.

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits



that petitioner no. 1 is named in three other criminal cases and petitioner no. 2 is named in one another criminal case.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners were neither apprehended at the spot nor any incriminating material has been recovered and save and except the disclosure made by the village chaukidar and past criminal antecedent, there is no material against the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Hathauri P.S.Case No. 35 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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