

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34872 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

MANJAY SAHNI S/o Ganga Dayal Sahni R/o Village- Babura, P.S.- Barhara,
District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Pandey

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Durgawati P.S. Case No. 82 of 2022 registered for the offences
punishable under Sections 30(a) Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, total 312 litres cane beer
was recovered from the vehicle in question and the petitioner
namely Manjay Singh was alleged to be the driver of the said
vehicle.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.04.2022. Petitioner bears



criminal antecedent of one case of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. The petitioner is the driver of the vehicle in question and he has no knowledge about the recovered liquor. The petitioner has no role in the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Alok Kumar Pandey – I, learned Special Judge, Excise Court No. – 2, Kaimur at Bhabhua in connection with Duragwati P.S. Case No. 82 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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