

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34718 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

BALRAM SHAHNI @ TUNTUN SHAHNI S/o Late Laxman Shahni R/o
village- Sikandpur Bandh, P.S.- Town (Sikandpur Out Post), District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Pushpa Sinha

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 Excise

Case No. 325 of 2021, P.R. No. 05 of 2021-22 registered for the

offences punishable under Sections 30(a) and 30(c) of the Bihar

Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 34 litres of illicit Chulai liquor and about 400 KG of

fermented (Kinwit) Java sugar-cane from the place of

occurrence. The petitioner fled away from the place of

occurrence. Name of petitioner has been transpired in this case



on the basis of secret information.

Learned counsel for the petitioner submits that petitioner is in custody since 15.03.2022. Petitioner bears no criminal antecedent. Prosecution report 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 conscious possession of the petitioner. Petitioner is not apprehended on spot. Name of petitioner has been transpired on the basis of secret information. The petitioner has no concern with the aforesaid occurrence and he has been implicated in this case due to dirty village politics.

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, petitioner is not apprehended on spot, prosecution report has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge Excise, Muzaffarpur in connection with Excise Case No. 325 of 2021, P.R. No. 05/2021-22, 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)

amitkr/-

U		T	
---	--	---	--

