

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45640 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- BACHHWARA District- Begusarai

Sanjay Sahani @ Sanjay Sahni Son Of Late Jiwachh Sahani @ Jivacch Sahni
Resident Of Village - Fateha, Ward No. 8, P.S. - Bachhwara, District -
Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by Stamp Reporter within
two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Sevak Choudhary, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Bachhwara P.S. Case No. 75 of 2021 registered
for the offences punishable under Section 120(B) of the Indian
Penal Code and Section 30(a)(d) of Bihar Prohibition and Excise
Act. He is in custody since 09.05.2021 and has no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant along with other police officials
on secret information raided the house of Sikandar Sahni and
Mahendra Sahni and on search, total 30 liters of country-made



liquor, three Bharat Gas Cylinders, three gas stoves and four aluminium containers were recovered. On seeing the police party, the family members fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the place of recovery of country-made liquor does not belong to the petitioner. The petitioner is in custody since 09.05.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the Mahua liquor have been recovered from the bank of the river, the place does not belong to the petitioner and he has been falsely implicated in the present case showing that he was also one among those who were fleeing away on seeing the police party, the petitioner who has otherwise no criminal antecedent has remained in custody in connection with this case since 09.05.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Bachhwara P.S. Case No. 75 of 2021, subject to the condition as



laid down under Section 437(3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

