

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37275 of 2022

Arising Out of PS. Case No.-454 Year-2019 Thana- MINAPUR District- Muzaffarpur

Kailash Sahni, Son of Late Raudi Sahni, R/o Village- Dharpur, P.S.- Minapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mrityunjay Kumar, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Minapur P.S. Case No. 454 of 2019 registered for the offences punishable under Sections 30(a)/33/34/36, of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that 124.500 litres of illicit Indian made foreign liquor and 20 litres of spirit were recovered from the house of co-accused Ramashray Sahni. On the disclosure made by the co-accused person, the name of



the petitioner has been implicated in this case.

Learned counsel for the petitioner submits that from the F.I.R., it is evident that nothing has been recovered from the person or possession of the petitioner nor he was apprehended at the spot. He next submits that the alleged recovery has been made from the house of the co-accused Ramashray Sahni, who has already been granted bail the learned co-ordinate Bench of this Court in Cr. Misc. No. 49099 of 2021 vide order dated 20.12.2021. He lastly submits that the petitioner, having fair antecedent, is in custody since 29.11.2021.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from the house of co-accused Ramashray Sahni, who has already been granted bail by the learned co-ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special, Excise Court No. 1, Muzaffarpur in connection with Minapur P.S. Case No. 454 of 2019 subject to the condition that



one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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