

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37955 of 2022

Arising Out of PS. Case No.-260 Year-2019 Thana- TEGHRHA District- Begusarai

PREM SAHNI @ PREMCHANDRA SAHNI SON OF SITO SAHNI @
SITA RAM SAHNI R/O VILLAGE- PAKTHOUL, P.S.- TEGHRA,
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj

For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-08-2022 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 Teghra
P.S. Case No. 260 of 2019 registered for the offences punishable
under Sections 414, 120(B) of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 141 litre IMFL from the truck in question. It is further alleged
that 8 to 10 persons were standing near the truck in question and
seeing the police party they fled away. Petitioner is one among
them.



Learned counsel for the petitioner submits that petitioner is in custody since 19.05.2022 and bears criminal antecedent of two cases in which one case is of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner. Petitioner has no concern with the alleged seized articles.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted 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 learned Exclusive Excise Judge-1, Begusarai in connection with Teghra P.S. Case No. 260 of 2019, 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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