

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41387 of 2022**

Arising Out of PS. Case No.-44 Year-2021 Thana- KATRA District- Muzaffarpur

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BINDESHWAR SAHNI SON OF LATE KULDEEP SAHNI R/O VILLAGE-
BATHAUL, P.S.- NANPUR, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 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 Katra

P.S. Case No. 44 of 2021 registered for the offences punishable

under Sections 30(a), 30(c), 32 and 41(1) of the Bihar

Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery

of 20 litres country made liquor, 1200 litres concentration of

jaggery, steel drums, gas stove, etc. from the field of Late

Kuldeep Sahni situated near Budhnand river. It is alleged that

petitioner and others are members of syndicate who are indulge

in dealing with commercial production of liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 21.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he was not apprehended on the spot.

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, the petitioner was not apprehended on the spot, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case 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 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, Exclusive Court No. 1, Muzaffarpur, in connection with Katra P.S. Case No. 44 of 2021, 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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