

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38885 of 2022

Arising Out of PS. Case No.-321 Year-2022 Thana- BARH District- Patna

Jagdish Sahni @ Ghana @ Jagdish Mahto Son Of Baldeo Sahni R/O Village-
Bichalimalahi, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Barh P. S. Case No. 321 of 2022 for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

The allegation against the petitioner to be engaged in
manufacturing and selling of the illicit liquor, the police
conducted a raid near a bank of river at village Malalhi. On
search, total 520 liters country-made liquor, apart from that
other utensils and apparatus used for the purposes of
manufacturing of liquor was also recovered. It is also alleged
that on noticing the police party several persons succeeded in
fleeing away from the place of occurrence but this petitioner



was apprehended at the spot.

Learned counsel for the petitioner submits that from the FIR, it is evident that the alleged recovery has been made from the bank of river, which does not belong to the petitioner. It is next submitted that several accused persons succeeded in fleeing away. The petitioner being innocent, on noticing the police party, tried to flee away but apprehended by the police on suspicion. It is further submitted that petitioner is in custody since 31.05.2022, having fair antecedent and moreover, after completion of investigation charge sheet has been submitted. There is no compliance of Sections 81-82 of the Bihar Prohibition and Excise Act in as much as there is several infirmities in preparation of seizure list.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission of the parties and considering the fact that the petitioner having fair antecedent, is in custody since 31.05.2022, though, after completion of the investigation, the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Excise Judge, Barh, Patna in connection with Barh P. S. Case No. 321 of 2022, subject to the condition that one of the bailors will be the close relatives 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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