

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40173 of 2022

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

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RANJIT SAHNI Son of Feku Sahni Resident of Village- Noktiyarpur, P.S.-
Dalsinghsarai, Dsitrict - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of 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 conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Barh P. S. Case No. 321 of 2022
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act.

The allegation against the petitioner is to be
engaged in trade and manufacturing of illicit wine. The police
conducted a raid and altogether 520 litres country-made liquor,
apart from the utensils and apparatus for manufacturing of
liquor were recovered from the Ganga Diara. It is also alleged



that on noticing the police party, the accused persons started fleeing away, however, all of them including the petitioner were apprehended at the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the petitioner has nothing to do with the trade of illicit wine as the petitioner having fair antecedent was only present at the place of occurrence and on suspicion, apprehended by the police. It is also submitted that admittedly nothing has been recovered from the person or possession of the petitioner nor during the course of investigation, the complicity of the petitioner has transpired. It is further submitted that there is non-compliance of Section 100 of the Cr.P.C. in as much as there is no independent witness to the seizure list, apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. It is last submitted that after completion of the investigation, charge sheet has been submitted, though, the petitioner is in custody since 31.05.2022.

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

Regard being had to the submissions made on behalf of the parties and taking into account the investigation of the crime is already completed and the charge sheet has been



submitted, apart from the fair antecedent of the petitioner, let the petitioner, above named, 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 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 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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