

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50816 of 2021

Arising Out of PS. Case No.-168 Year-2018 Thana- PHULPARAS District- Madhubani

SAIRUKH SAHNI Son of Bachchu Sahni Resident of Village- Janghatta, P.S-
Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Phulparas P.S. Case No.168 of 2018 registered for the offence under Sections 272,273 of IPC and Section 30(a)Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 752 liters wine is recovered.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from



the conscious possession of the petitioner. He further submits that the petitioner has no concern with the place recovery of the liquor. He further submits that co-accused, namely, Sanjay Kamat and co-accused, namely, Kashindra Kamat @ Kashindar Kamat have been granted bail vide order dated 08.10.2018 in Cr. Misc. No.62511 of 2018 by a Coordinate Bench of this Court. He further submits that co-accused, namely, Arun Purve has been granted bail vide order dated 08.10.2018 in Cr. Misc. No.62835 of 2018 by a Coordinate Bench of this Court. He further submits that co-accused, namely, Ramavtar Mandal and co-accused, namely, Bidya Nand Kumar Kamat @ Bidya Nand Kamat have been granted bail vide order dated 01.11.2018 in Cr. Misc. No.66736 of 2018 by a Coordinate Bench of this Court. He further submits that co-accused, namely, Amarjit Kumar Mandal @ Amarjit Mandal and co-accused, namely, Kamlesh Kumar Mahto @ Kamlesh Mahto have been granted bail vide order dated 14.12.2018 in Cr. Misc. No.75432 of 2018 by a Coordinate Bench of this Court. He further submits that co-accused, namely, Asha Ram Mandal has been granted bail vide order dated 12.03.2019 in Cr. Misc. No.8947 of 2019 by a Coordinate Bench of this Court. He further submits that co-accused, namely, Viveka Nand Jha @ Munna Jha has been



granted bail vide order dated 18.06.2019 in Cr. Misc. No.35632 of 2019 by a Coordinate Bench of this Court. He further submits that co-accused, namely, Subhash Paswan @ Subhash Kumar Paswan has been granted bail vide order dated 27.06.2019 in Cr. Misc. No.37401 of 2019 by a Coordinate Bench of this Court. Petitioner is in custody since 14.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 2nd -cum-Special Judge, (Excise Act), Madhubani in connection with Phulparas P.S. Case No.168 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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