

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41858 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- MADHWAPUR District- Madhubani

1. INDAL SAHNI SON OF VISHWANATH SAHNI R/O VILLAGE-KATAIYYA, P.S.- PATAUNA, DISTRICT-MADHUBANI
2. PAPPU SAHNI SON OF KUSHESHWAR SAHNI R/O VILLAGE AND P.S.- SAHAR GHAT, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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 petitioners and learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Madhwapur P.S. Case No. 28 of 2022, G.R. No. 275 of 2022 registered for the offences punishable under Sections 272, 273, 414, 34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 90 litre illicit Nepali liquor from two motorcycles in question and the petitioners were apprehended on the spot.



Learned counsel for the petitioners submits that petitioners are in custody since 23.02.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners have no concern with the recovered liquor and motorcycles in question. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, 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 petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd cum Special Judge, Excise Act, Madhubani/concerned court in connection with Madhwapur P.S. Case No. 28 of 2022, G.R. No. 275 of 2022, 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) Petitioners 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 petitioners tamper 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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