

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41487 of 2022

Arising Out of PS. Case No.-410 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Ramdeo Sahni @ Ramdev Sahni S/O Late Jadu Sahni @ Yadu Shani
(wrongly mentioned as Manoj Sahni) Resident of village- Hussepur
Dobandha, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Rakesh Ranjan, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Sahebganj P.S. Case No. 410 of 2021 registered
for the offences punishable under Sections 272, 273, 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

The police on a secret information, in course of
patrolling, raided various places including the bamboo orchard



of Bharat Sah and on search 35 litres of country made liquor and other utensils as well as apparatus were recovered and 1000 litres solution of Mitha was destroyed by the police. It is further alleged that other co-accused persons, including the petitioner, succeeded in fleeing away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and, moreover, the bamboo orchard from where the recovery has been made, does not belong to the petitioner and is an open place, accessible to all. He further submits that the petitioner is a man of 68 years old, having no criminal antecedent, is in custody since 10.03.2022 and, moreover, the investigation of the crime is already completed and charge sheet has been submitted and there is no chance of absconding of the petitioner and tampering with the witnesses.

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

Regard being had to the submissions that the petitioner was neither apprehended at spot nor any incriminating material has been recovered and the petitioner, having fair antecedent, aged about 68 years, is in custody since 10.03.2022,



let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special (Excise) Court No.-II, Muzaffarpur, in connection with Sahebganj P.S. Case No. 410 of 2021, 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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