

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42420 of 2022

Arising Out of PS. Case No.-242 Year-2020 Thana- DURAULI District- Siwan

SANTOSH SAHNI Son of Jamadar Sahni Resident of village- Balhu Toka
Tari, Narayanpur, P.S- Darauli, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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

The petitioner seeks bail in connection with
Darauli P.S. Case No. 242 of 2020 registered for the offences
punishable under Sections 272 and 273 of the Indian Penal Code
read with Sections 30(a), 38(i) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 400 litres country made Mahua liquor from the boat. Local
chaukidar disclosed the name of petitioner and others who fled
away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.07.2022. Petitioner bears no criminal antecedent. Learned counsel further submits that petitioner has implicated in this case merely on suspicion. Seizure list has not been made as per law. The petitioner has no concern with the alleged recovered liquor. Petitioner is not apprehended on spot. Co-accused Chhote Bin has already been granted bail vide Cr. Misc. No. 14477 of 2021 by the co-ordinate bench of this court and the case of present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. I, Siwan in connection with Darauli P.S. Case No. 242 of 2020, 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) Petitioner 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 petitioner tampers 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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