

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51904 of 2021

Arising Out of PS. Case No.-556 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Sone Lal Sahani Son Of Late Mahendra Sahni R/O Village- Sikanderpur
Kundal Near Raj Narayan Singh College, P.S.- Town (MUZAFFARPUR),
Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Adv.

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 25-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Muzaffarpur (Town) P.S. Case No.556 of 2021 registered under Section 30(a) of the Bihar Prohibition and Excise Act and Section 8(c) and 21(b) of the N.D.P.S. Act.

The allegation in the FIR is that on secret information, the police reached the Sikandarpur Kundal and tried to stop a motorcycle which wanted to flee the place but was apprehended and one Chaitanya Rishi and Kallu was arrested who confessed before the police that they are indulged in the business of liquor and smack and further the petitioner herein is their co-partner. Subsequently, the house of the petitioner was raided and from the handle of the motorcycle 3.27 liter of foreign liquor was recovered. It was in this way that the petitioner came into



judicial custody.

Learned counsel for the petitioner submits that his name has come in the confessional statement of the accused persons before police, the recovery is of from the handle of the motorcycle which has no meaning and even the proper procedure that has to be followed in case of such seizure/recovery has been violated by the police. His last submission is that he is in jail since 25.07.2021 (as stated in para-15 of the bail application).

Taking into account the aforesaid facts as also that the charge sheet has already been submitted, this Court deems it proper to release the petitioner on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(fifteen thousand) with two sureties of the like amount each in connection with Muzaffarpur (Town) P.S. Case No.556 of 2021 to the satisfaction of learned Special Judge Excise, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observation the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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