

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52478 of 2021

Arising Out of PS. Case No.-483 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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MOHAN SAHANI S/O JAMUN SAHANI R/o village- Dadar Police Line
Chawk, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Ms.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Ahiyapur P.S.

Case No. 483 of 2021 registered for the offences punishable

under Sections 272, 273, 34 of the IPC and Sections 30(a)/36 of

the Bihar Prohibition and Excise Act.

There is recovery of 28 litres of illicit country made

liquor in front of shop of the petitioner.

Learned counsel for the petitioner submits that

petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. It is further submitted that nothing has been recovered from conscious possession of the petitioner. He further submits that it appears from the FIR itself that recovery has been made in front of shop of the petitioner. Police after investigation submitted charge sheet against the petitioner. Petitioner is in custody since 24.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 483 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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