

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52420 of 2021**

Arising Out of PS. Case No.-117 Year-2021 Thana- KALUAHI District- Madhubani

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RAM KUMAR SAHANI Son of Mahesh Sahani Resident of Village- Kasma  
Marar, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      05-01-2022                      Let the defects, as pointed out by the office, be  
  
removed within four weeks of starting of Court proceeding  
  
in physical mode in normal course.

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

The petitioner seeks bail in connection with  
  
Kaluahi P.S. Case No. 117 of 2021/ G.R. No. 1358 of 2021  
  
registered for the offence under Sections 272, 273 and 34 of  
  
the Indian Penal Code and Section 30(a) of the Bihar  
  
Prohibition and Excise Act.

Recovery is of 2251 liters of Nepali wine.

Learned counsel appearing for the petitioner  
  
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from one four wheeler bearing registration No. DL-1RY-4738. Neither the petitioner happens to be driver of the alleged vehicle nor he is the owner of the said vehicle in question. He has no concern with the alleged recovery and the vehicle. The petitioner is rotting in judicial custody since 03.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-II -cum- Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 117 of 2021/ G.R. No. 1358 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)**

braj/-

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