

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53352 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- KATRA District- Muzaffarpur

Jitu Sahni Son Of Late Ram Sharan Sahni R/O Village- Chainpur, P.S.- Katra,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 22-04-2022 The applicant is accused in Crime No. 44 of 2021 registered with Katra Police Station for the offences punishable under Sections 30(a)/30(c)/32/41(1) of the Bihar Prohibition and Excise Act. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

According to the prosecution case, police received secret information to the effect that the applicant, who happens to be Ward Member, is indulged in illicit distillation of liquor. That is how the spot of the incident, i.e., Chainpur village, came to be raided. On the bank of the river, police party found that illicit distillation of the liquor was going on. 20 liters



illicit liquor came to be seized from the spot apart from other articles which were being used for illicit distillation of the liquor. The spot of the incident is said to be on the bank of the river.

The learned Additional Public Prosecutor attempted to show that house of the applicant is situated nearby the spot. The meaning of nearby cannot be gathered from the FIR.

Investigation of the subject crime is over. The applicant was not found on the place of incident. The spot was an open land on the bank of the river.

In this view of the matter, further pretrial detention of the applicant is not warranted and as such, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 44 of 2021 registered with Katra Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.



(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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