

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44391 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- KUDHNI District- Muzaffarpur

BALESHWAR SAHNI Son of Late Ambika Sahni Resident of Village -
Goraiya, P.S.- Kudhni, Distt.- Muzaffarpur, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mrs.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Kudhni (Turki O.P.) P.S. Case No. 387 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery
of 45.60 litre illicit foreign liquor from pickup van in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name transpired in
this case as owner of pickup van in question. Petitioner is in
custody since 25.05.2022 and bears no criminal antecedent.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner has falsely been implicated in this case on the instance of his enemy.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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. II, Muzaffarpur in connection with Kudhni (Turki O.P.) P.S. Case No. 387 of 2021, 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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